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MEMORIALS

OF

INDIAN GOVERNMENT;

BEING A SELECTION FROM THE PAPERS

OF

HENRY ST. GEORGE TUCKER,

LATE DIRECTOR OF THE EAST INDIA COMPANY.

EDITED BY

JOHN WILLIAM KAYE.

LONDON:
RICHARD BENTLEY, NEW BURLINGTON STREET.
Publisher in Ordinary to Her Majesty.
MDCCCLIII.

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PREFACE BY THE EDITOR.

I THINK it is right that something should be said about the circumstances under which this volume is published.

On the 14th of June, 1851, the career of Henry St.George Tucker, then in his eighty-first year, was brought to a close. He had been for a quarter of a century one of the ablest and most energetic Directors of the East India Company, and for more than half a century had been personally associated with, and deeply interested in, the affairs of the great empire of which he came to be one of the rulers. He read much; he thought much; he wrote much. And he left behind him a great mass of papers written by himself, partly of an official, partly of an unofficial character—a selection from which constitutes the present volume.

The publication of such a collection of papers was contemplated by the author during his lifetime; and the Editor of the present series, whilst preparing the volume now offered to the public, had before him a letter from Mr. Tucker to a friend, whom he greatly loved and respected, indicating the parti-

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cular papers which he desired to lay before the world. "If I thought," wrote Mr. Tucker on the 30th of November, 1850, "that, by printing some of these papers I could promote in any degree the interests and credit of the Court, by showing that we are not unmindful (as is, I fear, suspected in some quarters) of our public duties; or if I could flatter myself that the discussions in which I have engaged were likely to throw light on the questions which must soon occupy the attention of the Court and of the Government, I should not hesitate to contribute my share to the general stock of materials to be used for framing the new Charter. I should not, of course, think for a moment of introducing any *personal* questions. The selection would have reference —1st. To our Revenue systems of administration, including the Salt, Opium, and Customs. 2ndly. To our judicial administration, including the measures adopted in this country for prosecuting the appeals of her Majesty in Council. 3rdly. To our political proceedings, including the Afghan treaty of June, 1838, the seizure of Scinde, &c. I should be much tempted to add my comment on the confiscation of Colaba, and on the general policy to be observed towards the Princes and Chiefs of India. 4thly. I should be disposed to introduce my paper on Cotton, my remarks on the powers of the Secret Committee, and other miscellaneous matters; but some of these would require careful consideration." I have endeavoured to carry out the intentions of the writer as declared in this letter, but I can hardly hope that I have adequately fulfilled them.

The task was, indeed, by no means without its difficulties. The papers were, for the most part, of an official character, and there were many public and private considerations to restrict the free exercise of the Editor's power of selection. There were State secrets of recent date, not to be divulged without public inconvenience; and there were the feelings of living individuals which might be wounded, whilst their acts, scarcely belonging to the legitimate domain of Indian history, might not warrant public discussion. There was another class of papers, too, of which it was necessary to make sparing use—papers, very ably written, embodying sound opinions and comprehensive information, but relating to a bygone state of things, of little interest in the present day. Indeed, next to the desire to carry out Mr. Tucker's own recorded wishes, I have been guided in my selections by nothing so much as the wish to illustrate the present important discussions on the future Government of India, by giving open expression to the sentiments of one, the weight of whose authority is admitted by men of all shades of political opinion.

In the arrangement of the papers I have endeavoured, as closely as possible, to follow the classification of subjects adopted by the Parliamentary Committees now sitting. As there are few subjects connected with the administration of British India on which Mr. Tucker has not recorded his opinions, the materials at my disposal have enabled me to illustrate, with more or less completeness, nearly all the topics embraced in the present Parliamentary in-

quiry. There is not one of these on which the opinions of the writer will not be received with respect. If on some of these points the evidence is not as copious as might be desired, the deficiency must not be laid to the account of Mr. Tucker, but rather to that of the Editor—or perhaps, he may be permitted to plead, to the necessity, under which he labored, of selecting from a vast mass of papers materials only sufficient to fill a moderately-sized volume.

The majority of these papers explain themselves. In many instances I have been able to cull from Mr. Tucker's writings an historical introduction explanatory of the circumstances under which the particular paper was written. Even the few editorial notes, scattered thinly through the volume, have not been introduced without reluctance, so unwilling have I been to obtrude myself where comment, whether in the shape of approbation or dissent, would have been equal presumption. I cannot help having my own opinions. To the indulgent friends who attach any weight to them, I may say, that on a large majority of the subjects illustrated in this volume, they coincide with those of Mr. Tucker. But the selection has not been made with any reference to this concurrence of opinion. The work is designed to be a fair exposition of the views of the able and experienced Anglo-Indian statesman who wrote the papers of which it is composed.

Nothing more need be said, in this place, about the construction of the present volume; but, perhaps, a few words may not be inappropriately added

regarding its internal character. In this volume is contained a selection from the papers of a member of the Court of Directors of the East India Company. It may be doubted whether the most inveterate opponent of the existing system of Indian government will deny that they exhibit a very intimate acquaintance with the practicalities of a great variety of subjects—broad statesman-like views—and a pure and earnest desire to benefit the people of the vast empire committed to the care of his colleagues and himself. It is hard to say whether Mr. Tucker was more distinguished for his intellectual activity or his moral integrity. He shrunk from no amount of personal labor. He was never driven or beguiled from the path of duty by any personal apprehensions on one side, or selfish inducements on the other. He faced a *Mandamus* on one memorable occasion, and in support of the Right was prepared at any time to face it again. He was honest to the very core; and though some men differed from the opinions he expressed, all appreciated the sincerity and admired the ability with which he enforced them.

It may, indeed, be suggested that, as many of Mr. Tucker's papers did not reflect the opinions of the general body of the Court of Directors, no argument is derivable from their character and tendency in favor of that administrative body. It is clearly, however, not to be expected that a body of thirty gentlemen, drawn from different services or professions, with different antecedents, and different idiosyncracies, should concur in opinion on every one of the

detail questions of administration which come before them in their collective capacity. And, indeed, such concurrence is as little to be desired as it is to be expected. The Court of Directors of the East India Company are a deliberative body. Every matter that comes before them is fully discussed. The varied experience and the varied reflections of many are brought to bear upon the elucidation of every question that is submitted to them; and though collectively, as individually, they may err, they are at least never betrayed into error by those temptations which ordinarily beset men immersed in the strife of European politics. An utter freedom from all party influences characterises the government of the East India Company. And though, as I have said, on questions of administrative detail, complete harmony of opinion is not to be expected, it is to the honor of the Court of Directors, that on questions involving great principles of universal justice, as on those of the invasion of Afghanistan and the spoliation of Scinde, there has been little or no diversity of opinion. The statesmen who condemned the former act—the act of a Whig Ministry—were foremost to condemn the latter, though perpetrated by a Tory ruler. Mr. Tucker was a Tory—as were the greater number of those who condemned the conquest of Scinde and recalled the Governor-General who decreed it—but upon all such questions as these he was of no party. He spoke out as strongly and uncompromisingly upon acts of Conservative misrule

as upon those which defiled the administration of the Liberal predecessors of the men whose home-policy he supported. The general verdict of the public has long since pronounced that, upon both of these great questions, Mr. Tucker and his colleagues wrote and acted in defence of the Right.

It would not become me in this place to dwell any longer upon these things. I only touch upon them here in illustration of the character of Mr. Tucker's writings. He himself cherished the belief that the publication of a selection from his papers would "promote the interests and credit of the Court of Directors;" and I am strongly of opinion that they will. If they indicate nothing more than the fact, that every question that comes before the Court is carefully and deliberately considered, and that a large amount of practical experience is applied to its elucidation, they are creditable to the East India Company. But I believe that they indicate much more than this. No reader of this volume will deny that the papers it contains are distinguished by a profound knowledge of the subjects discussed, and an eager desire to promote the happiness of the people of Hindostan. It may be too much to say that all the members of the Court of Directors have the same extensive experience as Mr. Tucker, and few, perhaps, have the same powers of expression. But the assiduous attention which he devoted to the administrative business of the Company, and the earnest benevolence with which he addressed himself to the promotion of measures

for the amelioration of the condition of the people, were but characteristics common to the general body of his colleagues. He would have been the last to claim for himself any exclusive merit for the possession of these qualities.

It need only be remarked, in conclusion, that for the publication of these papers the Editor alone is responsible. It will be assumed that they are published with the consent of Mr. Tucker's representatives; but from no other source has any assistance been derived, and from none beside has consent been obtained. The papers, it should be emphatically stated, are published merely as "selections." In some cases, they have been divested of their official significance. I may not have published all that I personally could have desired, but I alone am responsible for what has been published; and I believe that the selection honestly represents the opinions of the venerable writer.

J. W. K.

London, June 20, 1853.

ERRATA.

Page 498, line 15, for "*having* those angry feelings," read "*leaving* those angry feelings."
In Table of Contents, page xii, opposite "Case of the Guicowar," for "250," read "254."
Page 102, line 13, for "*that*," read "*but*."
Page 107, second line from bottom, for "*généreux*," read "*généraux*."
Page 116, second line from bottom, for "*permit*," read "*admit*."
Page 135, line 19, for "*contribution*," read "*contributor*."
Page 149, line 4, for "*in*," read "*on*."
Page 174, line 9, for "*that if it*," read "*that it*."
Page 428, line 24, for "*expediency*," read "*inexpediency*."
Page 442, line 14, for "*were*," read "*was*."

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MEMORIALS

OF

INDIAN GOVERNMENT.

INTRODUCTORY REMARKS.*

In proposing to consider, without pretending to resolve, one of the most difficult problems which could be submitted to any body of statesmen, I hope that I shall not lay myself open to the imputation of presumption. I approach the subject with a deep impression of its magnitude, and of the limited extent of my own powers; but if the experience of thirty years in a great variety of public stations, where I have had peculiar opportunities of observing the machinery of our Indian Government, should enable me to throw one feather into the scale of truth, my time will not have been unprofitably employed.

The proposition which I proposed to examine is

* Written in 1829. These remarks form the introduction to an unfinished work, "On the Future Administration of British India," which Mr. Tucker contemplated giving to the world at the time of the last Charter-discussions, but which he never completed.

—By what system of administration, at home and abroad, can British India be governed, with a view to secure the greatest degree of happiness and prosperity to the people of that country, and at the same time, to promote, to the utmost extent, the general interests of the mother-country.

To embrace this vast question in all its various relations, and to arrive at sound and satisfactory conclusions, it would be useful to take an historical retrospect of our administration of India. We must ascend from that which is known to that which is unknown—we must judge of the work which is to be done, from the work which has been done—we must direct our attention to the workings of the machinery in times past, to be enabled to predict with confidence with respect to the future. If we would correct our errors, and supply our deficiencies, we must trace back our steps in order to detect the sources from whence these errors have proceeded.

To provide for the future prosperity of India, we should carefully examine every branch of our administration. There is scarcely a tax imposed by our Government which does not affect, in a greater or less degree, the well-being of our Native subjects. The population of India being essentially agricultural, their comforts depend mainly upon the system of revenue administration which we enforce. The Abkarry (or tax on spirituous liquors), the opium revenue, the salt monopoly, the stamps, and other imposts, all tend, directly or indirectly, to affect the morals, the comforts, and the general character of the people.

Without undertaking to discuss at length the

various questions which frequent meditation on the subject has presented to my mind, it will, at least, be useful to enumerate them. The exposition may tend to satisfy those who are wont to leap at conclusions, that the most accurate knowledge of the trade of Liverpool or Bristol will not qualify us to give a constitution to India—that the routine of a counting-house and the mechanism of a ledger will not prepare us to appreciate those intricate combinations and nice adjustments which are found necessary in the course of regulating the multifarious concerns of a community composed of various nations differing in their religion and laws, in their social institutions and habits, in their language, notions, feelings, and general character. Nay, it may be permitted us to doubt whether the scholar, the philosopher, the metaphysician, or the professional writer of Europe, be precisely the person most competent to estimate justly the Afghan or the Rajpoot, and to frame that system of internal rule which may be best calculated to develop his virtues, to divest his energies of any mischievous tendency, and to direct them in a way to promote the public good.

Few, I suspect, will now be found to concur in the dictum* of an eminent historian, that a country

* "Whatever is worth seeing or hearing in India, can be expressed in writing. As soon as everything of importance is expressed in writing, a man who is duly qualified may attain more knowledge of India in one year, in his closet in England, than he could obtain during the course of the longest life by the use of his eyes and his ears in India."

This sort of syllogistic reasoning, if not carefully examined, is very apt to mislead. If it be true (and this may be questioned), that everything worth seeing in a foreign country—everything worth hearing in a foreign language

is best viewed at a distance, and that the condition and character of its inhabitants, their wants, internal economy, and external relations, are best apprehended and described by one who has never resided among them. Cæsar and Xenophon, according to this doctrine, ought never to have written; and the minister and friend of Henry IV. must be esteemed an unwelcome intruder into the province of history. Prejudices may, no doubt, be imbibed, and partial views be adopted, by the near, as well as by the distant, observer; but, all other things being equal, it may surely be affirmed that he who has seen and become familiar with an object, is more in a con-

—*can* be fully and perfectly expressed in writing, it is not true that everything of importance relating to India *has actually* been expressed in writing. The second postulate, therefore, cannot be conceded. But even if everything of importance had been expressed in writing, which certainly is not the case, I deny the conclusion that a man, however qualified, can attain more knowledge of India in one year in his closet in England, than he could obtain, during the course of the longest life, by using his eyes and his ears in India. I assume, of course, that he uses his eyes and his ears as the organs of his understanding, because I never can suppose that it was intended to compare an intelligent being with the unreflecting animal of the fields. If I were to hazard a dictum, it would be, that a residence in India, if not essential, is at least extremely useful, to enable an historian to see the manners, to hear the sentiments, to appreciate the character of a people, and to become familiar with those peculiarities, with those faint shades and minute quantities, which can scarcely be made matter of written record, but which in the aggregate constitute important elements in national character. Mr. Mill is not the mere writer of a narrative, nor can he mean to degrade the historian into the condition of a mere copyist, or relater, of events collected from books. He himself has undertaken to write a critical or philosophical history; and in order to do justice to such an undertaking, the studies of the closet are not all-sufficient. The course of human action must be judged with reference to the situation and circumstances in which the human being may be placed. What would appear extravagant and irrational in the case of a well-disciplined European, may be perfectly natural and consistent in the mind of an Asiatic; and I contend that this Asiatic, like the bee, is best known to the near observer, who has opportunities of viewing all the operations of his domestic economy.—H. St.G. T.

dition to describe it than the individual whose knowledge has been obtained through an intermediate channel.* The real spectator is not debarred access to those sources of knowledge from which the remote historian draws his materials; he has a test to try the purity of those sources, and the value of the materials; and he has better means of detecting error and prejudice in the records which form the groundwork of history. The able writer alluded to has furnished strong evidence against his own theory in his delineation of the Hindoo (as well as in other instances), for the resemblance is so slight and imperfect, that those who are best acquainted with the original instantly perceive that the picture has not been drawn from life. In fact, it is not safe to generalise in describing a people. The high-spirited Rajpoot of Central India bears no more resemblance

* I do not go so far as to maintain that a country cannot be described by one who has never seen it. The late Dr. Blacklock, of Edinburgh, who was born blind, wrote descriptive poetry in a very natural manner; but this was a mere mechanical operation—the repetition of what he had heard. He had heard that a rose was red, and he had found through another sense that its smell was agreeable. When he wrote of this flower, it was associated with an agreeable sensation; but if Dr. Blacklock had been told that a rose was blue, he would have applied this epithet to it in his poetry. A man may compile, collate, digest, and arrange, without quitting his closet, and may compose a good history, as Robertson and others have done. Mr. Mill has composed a valuable history; but who can doubt that this history would have been much more correct and valuable if he had resided ten years in India, and had been as well acquainted with the languages, literature, and laws of the country as that accomplished scholar, the late Sir William Jones, whom Mr. Mill so much undervalues, or as the late Warren Hastings, a statesman whom he so vehemently condemns? There is much in the administration of Mr. Hastings which the moral critic must condemn; but in fairness he ought to be reviewed in the position which he occupied (a false one, no doubt, for a British subject) of an Asiatic potentate, struggling for dominion and political existence.—H. St.G. T.

to the passive Molungee of the Soonderbuns; the fierce Afghan of Rohilcund bears no stronger affinity to the patient weaver of Dacca, than the well-appointed citizen of this metropolis to the rude fisher on the coast of Mekran. Both might be described as Ichthiophagi, just as it is found convenient by the naturalist to class together the human species and the bat; but they would scarcely be found to have any other habit in common. Generic terms convey no distinct idea of a nation. In the term "Hindoo" are comprehended numerous tribes and communities, differing widely in their physical and moral qualities. These must be seen and studied in all their varieties, and in all their relations, to be properly understood.

Many of the questions which I propose to bring under view, will, I am aware, be best disposed of hereafter by the constituted authorities; but it is essential to advert to them, because, in framing a constitution of government, and in determining upon the instruments which will be most suitable and proper for its administration, regard must be had to the nature and extent of the functions to be exercised. The pastoral concerns of a tribe of Arabs may safely be confided to a patriarchal chief; but if questions of international law are to be decided—if a system of jurisprudence and a code of laws must be formed for a people in an advanced state of civilisation—if various and important interests are to be consulted and reconciled—if, in short, very complex machinery is to be framed and regulated for pro-

moting the welfare of a numerous people,—then we must draw our principles and our maxims from a different source, and we must select the agency to be employed from a different order of men. In no one country, perhaps, do we find a combination of rare and peculiar qualities so necessary as in those who may be entrusted with the conduct of public affairs in India.

It ought not to be matter of surprise that great clamor should have been raised against the Government of the East India Company. Many persons have an interest, or fancy that they have an interest, in its subversion. Some feel that they have been aggrieved by particular acts, that their merits and services have been overlooked or undervalued, and have failed to obtain their just reward, and they both harbor resentment, and look to a change for the redress of their real or supposed wrongs. The origin and growth of our Indian Empire, and the circumstances which have concurred to preserve it in the hands of the East India Company, are so little within the range of common observation, that the whole course of things appears strange and inexplicable; and those who do not penetrate below the surface can perceive no natural connexion between events and their causes. We have not followed the example of other conquerors, either in ancient or modern times. What can appear more irreconcileable with all our established notions than that an extensive empire should be governed by a company of merchants in the name of a titular pageant?

This empire presents itself to the eyes of many as an unnatural excrescence—a complication of discordant elements. The Government, which, indeed, is unique in its kind, is regarded as a sordid scheme for engrossing patronage, as a monstrous alliance between political power and commercial cupidity, and, in fine, as a plan, devised for sinister ends, which is not founded on any recognised principles, and which is calculated to uphold a system of taxation at once impolitic and mischievous, burdensome and oppressive.

If these charges, or these unfavorable impressions, had any just foundation, no friend of his country could wish to see the existing Government perpetuated. It would have lasted too long; and our study should be to discover, as soon as possible, some unobjectionable substitute. If, on the other hand, its defects be such as are inseparable from the peculiar circumstances in which our Indian Empire is placed; if the difficulties of introducing a different order of things be insurmountable, or the danger to other great and valuable interests be imminent and great; or if, as we may reasonably hope, the defects of the system be susceptible of a remedy—if the Government can, by means of certain modifications, be ameliorated, so far as to answer the ends for which it ought to be instituted, then let us calmly and carefully examine how those improvements can best be effected; let us endeavor to amend before we resolve to overturn. This is the great object which I purpose to keep in view, dis-

carding from my mind, as far as I can, the prejudices of "caste," and all those prepossessions and motives of personal interest which a public station may be supposed to engender, however unconsciously, on my part.

From controversial argument I shall abstain as much as possible, nor shall I advert particularly to the various publications which have, for some time past, put forth a series of the most delusive and unfounded statements, for the purpose of prejudicing the public mind in this country against the East India Company. Unfounded assertions, made with confidence, may for a season impose upon the weak, the careless, and the ignorant; but I feel assured that they cannot long mislead the reflecting part of the community.

I cannot hope to interest the man of letters, or the reader for amusement, for I have none of the flowers or fruits of literature to offer. I address myself to the practical statesman, to the good sense of Parliament, and to the good feeling of that part of the British public, whose duty and whose interest it is to examine carefully, dispassionately, and thoroughly, the merits of a momentous question, on which a solemn judgment must soon be pronounced.

ORIGIN AND PROGRESS

OF

BRITISH-INDIAN GOVERNMENT.*

The native Governments of India, at the period of our acquiring territorial possessions in that country, and for ages antecedently, had been monarchical and military; but, even if I were equal to the work, it would not fall within the scope of my present undertaking to trace the causes, moral, physical, or accidental, which may have produced those social institutions which we found in existence, although existing in a state of weakness and disorder. It will be sufficient to observe generally that the Hindoo religion inculcates submission to the prince and the priest; and that, in the early establishment of the Mahomedan faith, the spiritual and temporal authorities were united under one head. The conquering banner of the Khalif and his lieutenants was consecrated by religion, whose influence favored the concentration of political power. The military character of the ruler tended to promote the same end. Conquest was held to be a duty. The aristocracy, too, being prepared by education and habit

* Written in 1829. It belongs to the unfinished work from which the previous paper is taken.

for the military life, it became an exclusive profession. Honor and glory, and the propagation of the faith, were the great incitements to action. The office of the statesman resolved itself into the use of the sword. Literature was held in no estimation—knowledge was not the object of pursuit—and the great business of life was to dissipate in sensual enjoyment the fruits of military enterprise. The habits of command and obedience, and the discipline of the camp, readily paved the way for the establishment of civil despotism.

From the immense extent of the Moghul Empire, under the immediate successors of Humaion, it became necessary to place the remoter provinces under the administration of members of the imperial family, or of powerful chieftains, who, from hereditary pretensions, or military virtue and services, aspired to these important commands. The wisdom and liberal policy of Akbar preserved the wide dominion entire, and transmitted it unimpaired to his descendant; and notwithstanding the domestic feuds, the unnatural rebellion, and desperate civil war which raged in the reign of Shah Jehan, the vigor of his son, the subtle Aurung-zebe, sustained the mighty fabric, and upheld a throne, stained by his vices, in that high and imposing station which obtained for it universal respect and obedience.

From the death of Aurung-zebe may be dated the decline of the Moghul Empire. Contests in the imperial family ensued; the symptoms of weakness, decay, and approaching dissolution, were soon apparent. The ministers and provincial governors affected

independence, and aimed at sovereign rule. The invasion of the Persian despot, Nadir Shah, in 1738, shook the empire to its foundations; the battle of Panniput, in 1760, and the ferocious triumph of the Abdalli, laid it prostrate, and for the time overthrew the Hindoo power, which was rising from the ruins of the imperial throne. The fugitive pageant, who had occupied this throne, was held in bondage, and passed successively from the hands of the Mahratta into those of the Afghan, and again from the merciless grasp of the Afghan into that of the predatory Mahratta, until at length the fortunes of the British everywhere prevailed, and a safe but humble asylum was provided for the blind and aged Shah Aulum in the once resplendent palace of his forefathers.

It was in the Peninsula of India that the struggle for power on the part of the British first commenced; but the contest was soon transferred to a wider and more promising field. The violence of a provincial despot, the Soobadar, or Nuwaub, of Bengal, gave occasion to those efforts and military achievements which have terminated in placing Great Britain in the proud station of arbiter of the destinies of the East.

In 1763, the first* of that long line of British sol-

* The fame of Lord Clive will, we may hope, break through and survive the strictures of the historian. It is not easy for a mere critic to compass the dimensions of a great statesman, placed at a distance, in a very extraordinary situation. We may apply the microscope, and exhibit monsters even in the pure element. A double wrong has been done by the manner in which the proceedings of our Indian statesmen have been arraigned in this country. The fair fame of the individuals has been tarnished, while foreigners have been furnished with texts for decrying the national character. —H. St.G. T.

diers and statesmen, who have raised the reputation of their country by their services in India, obtained from the titular Emperor of Delhi a grant of what is called the Dewanny, or Civil Administration of Bengal. We had previously held military occupation of the country, and had exercised unbounded influence over the Newaubs of that Soubadarry, who in reality possessed little more than the external attributes of power. The seat of Government was transferred from the city of Moorshedabad to Calcutta, which has since continued to be the metropolis of a powerful empire, and the emporium of an extensive and valuable commerce.

I shall have little occasion to advert to the earlier period of our administration; for although the form of Government was nearly the same as at present, our situation was so novel and difficult, and we were so much engaged in the business of acquiring and preserving, that it was scarcely possible to bestow much attention on the means of rendering the acquisition most valuable to ourselves, and beneficial to the people. Mr. Hastings, in addition to a host of foreign enemies, had to contend with a hostile Council, and to propitiate a new power (the Supreme Court of Judicature), which had been erected in 1774, and which, on its first establishment, arrogated to itself pretensions extremely embarrassing to his Government, and calculated to paralyse that of a less dexterous statesman.

It was during the administration of Lord Cornwallis, which commenced in 1786, that the Government of India assumed a more determinate and legi-

timate character. By the Act XXXIII. of Geo. III., cap. 52, the Governor-General was empowered to exercise, upon his own personal responsibility, all the political powers of the state; and collision, obstruction, and opposition on the part of his Council, were thus effectually precluded in one of the most important branches of administration.

By the Act XXI. of Geo. III., cap. 70, the jurisdiction of the Supreme Court was better defined and limited; and although many questions have since arisen with respect to its proper function and powers, a check was given to the disposition to encroach, and no serious inconvenience of a public nature has occurred until lately from the proceedings of this exalted tribunal.

By the Act XXI. of Geo. III., cap. 70, the provincial or native courts were recognised as courts of record; and by the Act XIII. of Geo. III., cap. 63, the Governments of India were invested with the powers of legislation, the local regulations framed by them for the good government of the country having all the force of law, if not repealed by the Legislature or superintending authorities at home within the space of two years.

A meagre code of regulations had been framed and acted upon in the time of Mr. Hastings; but, in 1793, Lord Cornwallis gave to the people of India a body of laws, intended to define and secure their rights, and to render the officers of the Government, and the Government itself, amenable to the jurisdiction of independent tribunals.

The Supreme Government of India, it is well

known, is administered by a Governor-General and a Council, composed of three members, one of whom is usually, although not necessarily, the Commander-in-Chief, and the other two are selected from the Civil Service.* The subordinate presidencies of Fort St. George and Bombay are modelled in the same manner, and exercise full power in the internal administration of the territory of those presidencies respectively, but in subordination to the political and controlling authority of the Supreme Government. The petty settlements of Prince of Wales's Island, Malacca, and Singapore, have also been burdened with the costly apparatus of a Government, quite unsuitable to the circumstances of those dependencies; but measures are now in progress for placing the establishment on a footing totally different, and verging, perhaps, towards an opposite extreme.

The Governor-General of India is empowered to take upon himself the government of the subordinate presidencies, whenever his presence at those presidencies may be considered necessary or useful. He then presides in the Local Council, and he appoints a Vice-President to officiate, during his absence, in the Council of Fort William.

The Administrative Government is divided into different departments; and the business of these departments is conducted by the secretaries. The

* Written in 1829, under the Charter of 1814. The Supreme Council now consists of the Governor-General, two members of the Civil Service, and an officer of the Indian army; besides a legislative member, drawn from the legal profession in England, and an "extraordinary member"—the Commander-in-Chief.

situation of these officers is not analogous to that of a Secretary of State in this country, or of Chief Secretary for Ireland. From their knowledge and experience they are usually the confidential advisers of the Government; but they are merely ministerial officers, and when they have assumed (as has occurred in some late instances) a deliberate voice in Council, the practice is not sanctioned by the constitution of the office.

Every act of the Government is made matter of record. A correspondence is maintained with the other presidencies—with the subordinate boards, and public functionaries of every description—with the authorities in China, the King's Governments of Ceylon and Mauritius—and, regularly and extensively, with the Court of Directors; and in no part of the world, perhaps, are the proceedings of any Government detailed and recorded with the same degree of minuteness and precision. This is done to afford to the authorities at home better means of revision and control; but the practice of recording every paper, however unimportant, and of corresponding so much in detail, is attended with great labor, expense, and delay, while the delay is often productive of inconvenience to individuals, and of injury to the public interests. It happens not unfrequently that papers extending to several thousand folio pages must be collected, arranged, and transcribed to enable the authorities in England to pass judgment on a particular question, and to frame a despatch to India, and those who have not

witnessed the manner in which the correspondence is conducted, can form no adequate idea of its extent, variety, and difficulty ;* nor would it be possible to carry it on without a large establishment of able and experienced officers.

Independently of the general powers of legislation, and of the exercise of supreme political authority over the territory of British India, extending practically to the declaration of war, the conclusion of peace, and the formation of treaties and alliances—the local Government is invested with certain special powers for particular purposes.

From this review it will appear that the members of the Government formerly composed the Courts of Suddur Dewanny Adawlut, and Nizamut Adawlut, or head civil and criminal courts of the country; but these courts were new-modelled in 1801, and the Governor-General in Council only exercises now the high prerogative of granting pardon to criminals under sentence of death for capital offences.

Although we have not yet assumed the imperial or regal titles and dignities, the British Government is the paramount authority in India. We have left these titles to a mere pensioner, partly upon considerations of political expediency, which are no

* Forty-four folio volumes were collected as the groundwork of our late despatches respecting Rajpootana. It is not at all uncommon for the public despatches from Bengal to extend to several hundred paragraphs; and the most indefatigable reader finds it difficult to get through the papers connected with these despatches within any moderate time. Indeed, a person unacquainted with the affairs of India cannot read them with any advantage, for he scarcely knows to what points to direct his attention.—H. St.G. T.

longer entitled to much weight, and partly from the inconvenience and incongruity of proclaiming the sovereign rule of the Crown of Great Britain while the temporary sway was committed to an anomalous body, whose power and influence it was of importance to uphold. Even that symbol and attribute of sovereignty, the impression on the public coin, remains to the present day unchanged. We still coin* in the name of the deceased Emperor of Delhi, Shah Aulum; and in our epistolary correspondence with the native princes of India, we observe much the same forms and etiquette which belong to the subordinate character of provincial administrators, or Viceroys of the Moghul.

The time has arrived, I think, when these forms and observances may safely be dispensed with. The natives of India are fully aware of the nature and extent of our power, although few of them understand the precise import of the trust and authority delegated to the East India Company. They no longer look up to the House of Timour with the same sentiments of veneration. Mahrattas, Afghans, Persians, and Sikhs, have all combined with us to destroy the illusion; and those incidents, and that pretension which at one time might have

* At Fort St. George a coin has been issued bearing a strange inscription, intended to designate the Honorable East India Company; but there is something puerile, if not ludicrous, in the barbarous terms of this inscription.—H. St.G. T.

[Since this was written, coin has been issued bearing the image and superscription of the Queen.]

aroused the jealousy of the Viziers of Oude, the Nizams of the Dekhan, and other high dignitaries, holding, like ourselves, from the imperial Crown, would now pass unnoticed, or be quietly submitted to, under the impression that the real sovereignty of India now vests in the British Government. A fit occasion will soon occur for substituting the essence for the form of things.

ADMINISTRATIVE AGENCIES AND AUTHORITIES.

CONSTITUTION OF THE COURT OF DIRECTORS.*

THE prominent and obvious defects at present existing in the constitution of the Court of Directors, are first, that responsibility does not anywhere attach; and, secondly, that the different members are not employed in the way in which their services might be rendered most efficient and useful. No reference or regard is had to their previous habits and acquirements; and men who might be beneficially engaged in tracing all the intricate mazes of Asiatic policy, are by a preposterous arrangement doomed to waste their time unprofitably in cutting blocks with a razor.

This strange distribution of the business is productive of another great evil—delay, which is often severely felt by the Governments abroad, as well as by individuals. The business is first prepared by those who know little or nothing about it—at least, it is liable to happen so. It is then brought before those who may happen to know more about it, dis-

* From a paper headed "Desiderata," containing suggestions relative to the constitution of the Courts of Directors and Proprietors, and the appointment of writers and cadets.

cussions ensue anew, dissents are recorded, the question at length finds its way up to the Board of Control, and there, perhaps, everything is undone at the private suggestion of a particular individual, whose opinion, founded on experience, is worth all the rest, and who ought to have been employed in the first instance. To remedy this evil I would suggest:

That the Court of Directors, instead of deciding important questions, as heretofore, by ballot, be required to record their individual opinions, or votes, whenever a difference of opinion may occur on any particular question.

The decision by ballot is a notable expedient for frittering away the small portion of responsibility which could attach to the Directors individually; whereas one of the great defects of the present system is the absence of all responsibility. No man whose intentions are good, and whose principles are correct, ought to be ashamed or to be afraid of recording his opinions; and it is essential to good government and to the ends of justice that important decisions should not be passed by men under the shelter of obscurity.

—That the Directors be distributed into Committees, to be composed as follows:

Secret and Political Committee to consist of 3

Judicial (including the Law Department at home) 3

Revenue (corresponding with the Territorial Department of India) 3

Financial (including the Department of Accounts)	3
Military (to be elected from the Military Service of India exclusively)	3
Commercial (comprehending China, the Warehouse Department, &c.)* . . .	6
Marine	3
	24

The Chairman and Deputy-Chairman to preside in any of the committees which they may judge it proper to attend, and one of them to be required to attend whenever the members present may be reduced below a quorum of three. Each committee should assemble not less than twice in every week.

The business of each particular department should be prepared in that department, and be submitted, with the opinion of the members, for the consideration and decision of the General Court of Directors; but the letters should be signed, and the responsibility be made to attach specially to the members of the particular committee.

Each committee should have a separate secretary or head-clerk, and no person should be eligible to the office of secretary in the Judicial, Revenue, and Military Departments, who should not have served in India in those departments, respectively, for a period of not less than ten years.

That no person be eligible to succeed to a vacancy

* Written before the extinction of the monopoly.

in the Direction, occurring in the Judicial or Revenue Committees, unless he shall have served in India in the Judicial or Revenue Departments for a period of not less than ten years.

At the present moment there is not, I believe, a single judicial servant in the Direction, although it is well known that the judicial and revenue branches of the service constitute a distinct profession, and that no individual who has not had actual experience in conducting the business of those departments in India, can be competent to superintend them in this country. How is it possible that men, whatever may be their intelligence, can be qualified to judge of the system of legislation best suited to the habits, feelings, and character of a people whom they never saw? It is easy to manufacture constitutions and laws in the closet; but laws, to be useful and efficient, must be suited to the particular subjects to whom they are to be applied. The revenue system of India, too, may be considered peculiar to that country, and requires great skill and experience in its administration. At the present moment there is a question pending, upon the decision of which the tranquillity of our possessions under the Bengal Presidency perhaps depends. I mean the right of the landholders in the ceded and conquered provinces to be admitted to the benefit of a permanent settlement. They consider, very generally I believe, that the Government stand pledged to grant them this boon; and as they are a brave and warlike race of men, prudence should suggest (if no higher con-

siderations influence us) the inexpediency and the danger of irritating their minds, and of exciting a spirit of disaffection by an act of injustice.

COURT OF PROPRIETORS.

I should prefer that the Proprietors of India Stock voted openly at the election of the Directors, instead of voting by ballot; for it is notorious that votes are sometimes given to one individual after they had been promised to another, and this violation of a moral principle can be committed by means of the ballot, without the risk of detection. Now, in framing every system for regulating the affairs of the community, every temptation to do wrong should, as far as possible, be removed; for the moral principle cannot be shaken in one instance, however trifling, without the danger of its being subverted altogether.

THE ORGANISATION OF COMMITTEES.*

Having seen the working of the official machinery of the India-House Government, both abroad and in this country, for a long course of years, I may, without presumption, I hope, be permitted to offer some suggestions for its adjustment, with a view to render it more efficient and more suitable to existing circumstances.

There are two great objects to be kept in view

* This paper, written in September, 1833, contains an amplification of the suggestions in the previous memorandum, on the Constitution of the Court of Directors.

in remodelling the Committees of the Court of Directors. The one, to effect a more judicious distribution of their labor, so as to bring their professional knowledge to bear upon professional questions; the other, to fix the responsibility of the act upon the actor.

Under present arrangements a member of the Court, who may be peculiarly qualified, by knowledge and experience, for a particular duty, is perhaps employed in a branch of the business with which he is altogether unacquainted. All the Directors are expected to know and to attend to everything; but the business is of such magnitude, and of so diversified a character, that this is impossible, and a great deal of their work is accordingly done in a hasty and an unsatisfactory manner. It is sometimes prepared, in the first instance, by those who are little acquainted with its details and probable tendency; it is then to be revised, and perhaps undone, by others better informed; and the consequence is, that delays are created very injurious to the public service, and that, in many instances, a good deal of patchwork is produced, bearing no determinate character. No individual, I think, can have been a member of the Court for six or seven years without experiencing the inconvenience of the present arrangements; and there are few, I suspect, who have not felt that they were sometimes misplaced, and that their time and labor had been misapplied.

To remedy this evil, and to distribute the labor

of the Court in a way to render it more efficient,* and to provide at the same time for the greater despatch of the public business, I would propose that the Court be divided into three principal committees, the members to be selected and nominated by ballot, the chairman of the Court being *ex-officio* a member of all committees, and the deputy-chairman being in like manner, *ex-officio*, the chairman of the first, or political and military committee;—

The first, or political and military committee, to be composed of eight members, including the deputy-chairman, who will preside;—

The second, or legislative, judicial, revenue, and financial committee, to be composed of eight members;—

The third, or commercial, marine, ecclesiastical, house and civil college committee, to be composed of seven members, and to embrace all those branches of the public business which are transacted in what is called the "Public Department" in India;—

The chairman of the Court to exercise a general superintendence over the conduct of the public business, as well as over the ministerial officers of the court;—

A chairman to be appointed by the Court, by ballot, to preside in the second and third committees for the term of one year; but to be re-eligible on its expiration;—

* This is become more especially necessary, now that the Board are empowered to exercise so direct a control over the correspondence and proceedings of the Court.

In cases where the subject may be connected with the business of two committees, a joint-committee to be formed;—

Each committee to prepare and sign its own despatches to India; but the chairman of the Court, or any member of the committee, to be at liberty to remove into Court, by motion, any case or question for the consideration and decision of the Court collectively;—

The majority of the Court passing the final decision on such appeal, to sign and be held responsible for the despatch;—

All despatches prepared by committees to pass through the Court; and any member to be at liberty to move for their re-consideration, or re-commitment; and should any amendment be adopted, the members voting in the majority, to sign and be responsible for the despatch;—

Three members of a committee to constitute a *quorum;* but the committees generally to be at liberty to call in the assistance of other members of the Court, to aid their deliberations, on particular occasions;—

The Court to refer any question for consideration and report to a particular committee, or joint-committee;—

Any member of a committee, dissenting from the decision of the majority, to be at liberty to record a protest, and to move in Court for the production of that, or any other document, with a view to the re-consideration of the question;—

Particular questions before the political committee to be made secret, when judged necessary; and in such cases, the question not to be removable into Court, except on the motion of the chairman of the Court.

The first committee to be divided into two branches, political and military, and to have a separate secretary and establishment for each department.

The second committee to be divided into three branches—1, *Legislative and Judicial;* 2, *Revenue;* and 3, *Financial;* and to have a separate secretary and establishment for each department, the auditor being *ex officio* secretary in the financial department.

The third committee to be divided into two branches—1, *Commercial and Marine*, and 2, *Public*, or Miscellaneous; and to have a secretary and establishment for each department.

The foregoing suggestions are calculated, I think, to effect the re-organisation of our committees by very simple means; and I will only add a brief explanation of the grounds on which I propose the particular distribution of the business.

The political and military affairs of the Indian Governments are often very much connected and blended; and the military members of the Court have, in various instances, been employed in diplomatic situations. There will, therefore, be an obvious convenience in uniting the political and military duties in the same committee.

The revenue and judicial branches of the service in India are, in the same manner, very much connected and interwoven together; and some of our members have been employed in both departments. Their knowledge and experience will, therefore, be brought more generally into use, by placing these two branches of the public business under one and the same committee.

The business of the third committee will correspond generally with that which is conducted in the "Public Department" of India; and will call for commercial knowledge, as well as for general experience, in carrying on the miscellaneous concerns of a great Government.

Under the proposed arrangement, the chairman of the Court will be relieved from a portion of those duties which cannot be well performed by any one individual; and a direct responsibility will attach to the chairman of the three committees, who will be called upon to execute the work which at present devolves on irresponsible officers.

I may be supposed to have abridged the functions of the deputy-chairman of the Court, but I do so advisedly. I perceive no advantage from his following the chairman into all the committees. If these functionaries act in concert, they have too great a preponderance in a small committee; if they disagree, some inconvenience may be experienced from their collision. My object is to render the chairman of the committees real, efficient, responsible functionaries in their respective departments; for if

we do not give them weight and importance, those best qualified for the situation will not undertake the onerous duties which it will impose upon them.

FUNCTIONS AND POWERS OF THE COURT OF DIRECTORS.*

The retention of the power to recall governors and commanders-in-chief appears to me to be highly essential to the respectability and efficiency of the Court of Directors. This power has been rarely exercised, and there can be no temptation to abuse it; but if it be withdrawn, the public functionaries abroad may set at naught the authority of the Court, and may hold us in contempt. A governor may be lavish in the public expenditure—may think only of providing for his own dependents or those of the ministry—may be indolent and inactive, or arbitrary and capricious in the exercise of his powers; and, notwithstanding these and other defects of character and conduct, he will retain firm possession of his station, as long as he can succeed in propitiating the ministry of the day, who may be interested in his continuance in office, and even derive influence and advantage from his mal-administration.

I consider the control of the army should continue to be vested in the Court of Directors. I do not observe that the Indian army is noticed in the proposed plan; but as the question of incorporating

* From a paper, written in March, 1833, reviewing the plan of Indian government, under the new charter, proposed by the King's ministers.

it with his Majesty's army was discussed at a former period, and as a great deal of evidence has been taken before the Committee of the House of Commons on the expediency of such an incorporation, it would, I think, have been satisfactory if it had been specifically declared that it was not the intention of his Majesty's ministers to propose any material change in the constitution of that force, which has hitherto been maintained as a distinct corps, deriving its existence from the East India Company, and owing allegiance to that body.

I attach little importance to the proposal to deprive the Court of Directors of the power of making small grants of money, and of bestowing small pensions and annuities. We have not abused the power, I hope; and whether it be quite delicate to withdraw it without a necessity, or any apparent reason, I am quite satisfied that the public expenditure should be subject to as much check and control as possible. While men act right, and only desire to do that which is just and proper, they can feel no objection to the most rigid scrutiny of their proceedings.

Regarding the number of members to constitute the Court of Directors, I would observe that—

If the number of Directors were to be determined now for the first time, and the Court were relieved from their commercial duties, I should say that twenty, or even sixteen Directors might conduct the territorial business; but I can perceive no sufficient

reason for a change; and I should be disposed to retain the present number in preference, for the following reasons:

We are more likely to find the knowledge and experience necessary for conducting such diversified and complicated duties in the larger number.

The patronage can with more safety be assigned to the larger number.

There is a greater probability of our commanding the services of men of high character and independent fortune. One of the practical advantages of the present system, strange and anomalous as it may appear in theory, is, that it collects together men from different branches of society, possessing habits of business, and varied knowledge and experience in almost every profession and department of the public service; and these different elements operate mutually as checks upon each other. Their connexions are numerous; and supported, as they generally have been, by the Proprietary, and by this once powerful city, they constitute a great and influential body, which no ministry could safely attempt to coerce while they act upon sound public principles. Their power and independence would diminish with the diminution of their number; and they would no longer constitute a barrier to protect the interests of India against the selfish policy which too often displays itself in this country.

Party spirit, which is apt, no doubt, to impede public business, may be found among four as well as

among twenty-four: a fact which was strikingly illustrated during the memorable administration of the late Mr. Hastings in India.

It is quite true that business proceeds, in general, with more despatch when conducted by small numbers of men, and that responsibility can be made more direct and efficient. But it would not be difficult, I think, to accomplish these objects, by dividing the Court into committees upon a different system. This is suggested to us in the proposed plan; but it is matter of internal arrangement, which the Court are competent to adopt without any legislative provision. A very simple and easy modification of our committees would enable us to apply our knowledge, and to distribute our labor in a more useful manner, and would supersede the necessity for substituting *seals* and a *secretary's signature* to our despatches, as proposed, since the committee which should prepare the despatches might be required to attest them under a personal responsibility.

But the greatest difficulty which the proposed plan of administration involves remains to be noticed; namely, the disposition of the powers of the Board and the Court, in such manner as to maintain a just equipoise, without compromising the efficiency of the system. This is a difficulty inherent in the complex problem to be resolved.

Unity of design and action is, I acknowledge, very essential in the exercise of political power; but the plan before us would seem to put us forward before the public as an administrative body, to be entrusted

with certain mechanical functions, while all substantial power would vest in the Board. It would make us something like a steam-engine, which the hand of the engineer is wont to stop or put in motion at pleasure. Now, the very worst system of administration is, I think, that which assigns ostensible responsibility without actual power, and bestows unlimited power without direct responsibility.

Still, however, we must not be too fastidious. The present system is by no means perfect. It works tolerably well, because it commands the services of respectable, upright, and independent men. Good instruments will improve an indifferent system, and take much of the evil out of a bad one. If we fly off because things are not placed precisely on the footing which we would wish, the new machinery may fall into worse hands, and the people of India will be the great sufferers.

I will state concisely the points which it appears to me necessary to insist upon; and which, if conceded, would enable the Court, I hope, to continue to act as a useful organ for administering the affairs of India.

1st. The Court to retain the *initiative* in all cases, except those which relate to the secret political correspondence with India.

2nd. The Court to retain the absolute power of recalling governors and commanders-in-chief, as well as all other public functionaries and servants, without the exercise of a *veto* by the Board.

3rd. The Court to retain the military patronage,

and the control of the Indian army and the establishments abroad, upon the present footing.

4th. The Board to continue, as at present, to exercise the power of sending out political despatches through a secret committee of the Court, and to exercise further, *upon their own responsibility*, the same powers which have been conferred on the Governor-General in Council in India, of acting without the concurrence of the Court, on all matters involving questions of international law, the obligation and construction of treaties, the levying of war, making peace, and, generally, on all matters purely of a political character; but in cases where the Board may so act on their separate responsibility, the grounds of their proceeding to be regularly recorded; and such powers not to extend to revenue, judicial, commercial, or military matters.

5th. The Board to have the power of altering despatches prepared by the Court; but should the Court demur upon any important occasion (after remonstrance, or a personal conference) to adopt such alterations, in cases involving a great public principle—as, contracts with the public creditors, engagements with the landholders, and the like—the Court to be at liberty to bring such questions before the Privy Council; and the Court to be bound to carry into effect any orders which may issue under the sanction of that tribunal. But, in all cases, the Court to be at liberty to record their protest or dissent from orders issued by the Board upon their separate responsibility; and copies of all such protests or dissents to be printed every year, and sub-

mitted to Parliament, and to the Court of Proprietors;* except in instances where, from the nature of the subject (the discipline of the army, and the like), publicity may, in the judgment of the Court, be liable to produce public inconvenience.

6th. In cases of minor importance, where the Court may differ from the Board, without being prepared to oppose the alterations made in their despatches, the Board to have the power of ordering the despatches so altered by them to be forwarded immediately to India; but the Court to be at liberty to enter a protest upon their proceedings, in all cases where they may see fit to do so.

7th. The Board to exercise a *veto* in the case of all money grants and pensions, both at home and abroad, as well as on the creation of new officers, and, generally, a restraining power over the public expenditure, both in this country and in India.

It appears to me that, with some such provision, the Court might safely undertake to become the organ of the territorial administration; and it is

* Mr. Tucker felt very strongly on this subject. He never ceased to contend that the Court of Directors, both in their general administrative capacity, and as represented in the Secret Committee, ought to have the right of publicly recording their protests against the acts of the Board of Control. In 1846, he was involved in a correspondence with the President of the Board relative to the right of the members of the Secret Committee to record their protests. The President declared that such protests could only be received as "private hints." Mr. Tucker wrote in reply: "I never could persuade myself that the Legislature intended to constitute the Secret Committee mere unreflecting automata, commissioned to attest despatches, for this office could have been equally well performed by a secretary or a seal. A member of the Committee cannot alter a despatch prepared by the Board; but surely he can relieve himself from responsibility, by recording his opinion when it appears to him to be liable to objections on public grounds."—See further remarks by Mr. Tucker on this subject at pp. 46, 47, 48.

unquestionably our duty to smooth the way, as far as possible, to a satisfactory settlement of the great questions at issue with his Majesty's ministers.

THE CONSTITUTION OF THE BOARD OF CONTROL.

[Written in October, 1841.]

The Board of Commissioners for the Affairs of India are now invested with large powers by the Legislature for superintending the administration of that country.

It is unquestionable that, where large powers are to be exercised, there should be direct responsibility; and that there should also be found knowledge and experience to regulate their exercise. In no country is a knowledge of localities, and of the particular subject-matter to be dealt with, more necessary than in India, where we find peculiarities and diversities in the religion, laws, usages, habits, languages, and character of the people; while a knowledge of all these is only to be obtained by long experience and a residence among them.

To apply these premises, without further preamble, I would observe that the India Board, although commanding great talent and general knowledge, is likely to be deficient in that local and professional knowledge which are essential to the good government of India.

I will adduce one instance to show how much depends upon an accurate acquaintance with the usages and *languages* of India.

In a despatch to India, some years ago, the claims to a large Jagheer were adjudicated, under circumstances which appeared to my late friend, Mr. Edmonstone, and myself to be extraordinary and suspicious; a garden, and the Jagheer, having been assigned to a party who appeared to us to have no just claims to the succession. We consulted the records abroad in the English language, and found that the Court's despatch was supported by them; but Mr. E., not feeling satisfied, referred to the original deed in the Persian language, and there we found that the whole case hinged upon an erroneous translation, the conjunction "and" having been substituted for the preposition "in;" that is, the original deed conveyed the garden of —— *in* the Jagheer of ——, instead of the garden *and* the Jagheer.

Here we have a decision of the local authorities, founded in a mistake which had escaped the notice of the Government abroad and their officers; and which our chairs and our officers, and the president and secretaries of the Board, had not detected, and could not possibly detect, without the vigilance and critical knowledge of an individual conversant with the languages. Yet, upon the decision of these authorities, the destination of a large property depended.

I do not mean to intimate that such cases are common; but I do submit that the usefulness, the efficiency, and the moral influence of the Board would be greatly increased, by its commanding the

services of a functionary familiar with the administration of India. I would say that the appointment of a vice-president to the Board, possessing experience and a knowledge of the country, might be expected to produce the following advantages:

1st. There would be a responsible functionary on the spot to officiate for the president, in the event of his illness or absence.

2ndly. This functionary would be able to collect and arrange the necessary materials, whenever an Indian question was to be brought into either House of Parliament by the president or the secretaries of the Board.

3rdly. He would be able to assist the president in his negotiations with the chairs, and in smoothing away those difficulties which sometimes occur from a difference of opinion between the Board and the Court.

4thly. He would be able to apply his historical and professional knowledge beneficially in assisting to revise the drafts of despatches to India.

Other advantages might be pointed out; but this brief summary may be found sufficient to justify the proposition which I have ventured to submit.

It is well known that in all the great departments of the State there is a vice-president, or a deputy, to aid the cabinet minister in conducting the business of his department. In the India Board alone is this provision wanting, although the affairs of India require it, perhaps, in a greater degree than it is required in other departments, where the minis-

ter is generally familiar with all the details of business.

The station being respectable and honorable, I have no doubt that the services of a well qualified and independent man might be obtained on a moderate stipend (say 1000*l.* per annum); and I should hope that the Court of Directors would be ready to concur in making the necessary disposition for providing for an arrangement which may tend essentially to promote the interests of the public service.

The foregoing suggestion was submitted to a high authority some months ago; but my meaning appears, in one particular, to have been misapprehended. It was supposed that I suggested the appointment of a Persian translator to the Board; but the instance adduced by me, where a singular error had been discovered in a singular manner, was intended only to illustrate the advantage to be derived from a knowledge of the *usages*, *laws*, and *habits* of the people. An error of translation rarely occurs, and still more rarely can it be detected; since the documents in the native language are seldom transmitted to this country. It was a familiarity with the usages of the people which led to a more minute examination of the case; and the detection of an error was a *consequence*, and not a *cause*. I could have brought forward much more important cases, where the decision of the home authorities was liable to affect the most weighty interests; and where the justice of that decision depended upon the application of knowledge and sound principles in the act of

adjudication. For example,—a despatch to India had been drafted in 1834, authorising the deposition of the King of Oude, upon the abstract proposition that all government was instituted for the benefit of the people; and that, as his Majesty had not governed well, it was fitting that he should be set aside. This decision was strenuously opposed by two gentlemen at the Board,* who had been in the civil service of India, and whose opinions came in aid of the chairman of the day, and enabled him to quash the despatch which had been proposed.

Another instance may be mentioned. It had been determined by the authorities abroad, by the Court, and by the Board, to resume, *as an escheat*, the Jagheer of Rampoor, which had been assigned to the Rohillah chief, Fyze-Oolla Khan, and settled on his descendants as an hereditary fief; but the late President of the Board, on being made acquainted with the sentiments of two members of the Court, who were well acquainted with the facts and merits of the case, and who foresaw that great evils must result from the resumption, was induced to revise the decision; and the Jagheer, most fortunately, has been restored to the family.

Other cases could be cited, to show that the most important advantages might be secured by giving to the President of the Board an assessor or assistant, or a *third secretary, from the Service of India*, familiar with the usages, laws, and character of the people of that country;—that he would, by this

* Mr. H. Ellis and Mr. Holt Mackenzie.

means, be relieved from some duties to which he cannot possibly pay all the necessary attention; and that, by strengthening his machinery, the influence, authority, and reputation of the Board would be raised, with certain advantage to the public service.

I might add, that in order to secure constitutional responsibility for the disbursement of the public money, it would be desirable to have an officer at the Board whose special duty it should be to watch over those disbursements which are made as "Secret Service Money," under a direct responsibility to the East India Company and to Parliament. Large sums have been issued under this head of late years, through the Secret Committee, and no account has ever been rendered of their application; although different members of the Court of Directors have, at various times, called for the necessary explanations, and have *protested* against the exercise of a power, which is liable to abuse, by parties who incur no responsibility. It occurs to me that this objection might be removed by having an officer at the Board specially commissioned to superintend the application of the "Secret Service Money," and liable to be called upon by Parliament to verify the accounts, and to justify the disbursements.

THE CONSTITUTION OF THE SECRET COMMITTEE.

[Written in September, 1846.]

The 35th section of the last Charter Act [3rd & 4th Will. IV., cap. 85] provides for the appointment of a Secret Committee by the Court of Directors "for the particular purposes in this Act specified."

The 36th section provides that any despatches, &c., treating of war or peace, or of negotiations with native princes or other states, which "shall be *of a nature to require secrecy*," shall be transmitted through the Secret Committee.

Now, from these premises I deduce—1st. That the Secret Committee, being appointed by the Court of Directors, is responsible to the Court; that, as a delegated body, it cannot exercise functions with which it has not been expressly charged; and that it cannot usurp the powers properly appertaining to the body which delegates.

2ndly. That the Secret Committee, in becoming the organ of the Board for the transmission of despatches relating to war or peace, or political negotiations "of a nature to require secrecy," are responsible to the Court, if it shall afterwards appear that such despatches are illegal or unconstitutional, or that they have trenched upon some right or privilege, vested in the Court, and that they were *not* "of a nature to require secrecy."

3rdly. That it is competent to the Secret Committee, in all such cases, to place on record, either collectively or individually, a dissent or protest, setting

forth their objections to the particular despatch, in order to relieve themselves from the responsibility attaching to it; and that it is incumbent upon the Board, in all such cases, to receive and to record any such dissent or protest upon their proceedings.

Many cases might be cited where the legality of an order might be questioned upon the clearest and most indisputable grounds. No man can be required to commit an act contrary to the laws of God and of his country; but without referring to extreme cases, it may be observed that a public functionary might demur (and he would incur responsibility if he did not demur) to orders directing the misappropriation or misapplication of the public money.

But a case more within the range of possibility might be cited.

The Court of Directors are the natural and constitutional protectors of their own servants, civil and military.

Would it be competent to the Board of Commissioners, through the Secret Committee, and *without the intervention or knowledge of the Court*, to dismiss, or to order the dismissal of a public functionary from office, such dismissal necessarily becoming an overt act, and not therefore being "of a nature to require secrecy," or to render it possible?

As this question may involve personal consequences, and perhaps public inconvenience, I will add a few general remarks explanatory of my views on the subject.

The constitution of this country, I apprehend, does not recognise any secret tribunal, invested with un-

limited powers, and acting without responsibility. The Inquisition and the Star Chamber have long since been abolished.

The cabinet deliberates in secret, and issues secret orders, but the minister is responsible to Parliament and the country for all his acts.

The House of Commons have lately assumed the power of imprisonment for real or supposed offences against its privileges; but there are few reflecting men in the country who did not feel with the Chief Justice, that every British subject is under the protection of the law.

The Board of Commissioners are empowered to check, restrain, and control the Court of Directors in all matters of a public nature; but the Court have the power to remonstrate and ultimately to *protest;* and Section 33 of the last Charter Act provides that, in case of a difference of opinion between the two authorities, involving a *question of law*, a reference shall be made to the Judges of his Majesty's Court of Queen's Bench.

The Board, "in all matters of a nature to *require secrecy*" (and no other, I presume), are empowered to send out orders to the Governments of India through the Secret Committee; and the particular cases in which the necessity for resorting to this channel is contemplated, are specially referred to—(the occurrence of war, &c., &c.).

But does it follow that this committee was to be used as a mere passive instrument for attesting despatches? This manual office could be equally well performed by a secretary.

Is it not more reasonable to assume that the Legislature intended to assign a *function* to the committee? that it was intended that the Secret Committee, chosen from the most experienced of the Directors, should act as *assessors* to the Board —should aid with their advice, and incur a responsibility? Can it be supposed that a committee so appointed was intended only to perform a mere *mechanical* part in the most important branch of Indian administration?

If my notions of the powers and functions of the Secret Committee be correct, it will follow that their authority does not extend to cases *not requiring secrecy*, such as are involved in the administration of public justice—in the management of the public revenue—and in the conduct of the public servants; for in these cases secrecy is manifestly impracticable.

And if these premises be sound, and be candidly admitted, it will appear, I apprehend, that the Board, through the Secret Committee, have transgressed their authority in very many instances, in regulating the internal administration of Scinde in matters which did not require, and which did not admit of secrecy.

I would then ask, in what manner should a member of the Committee proceed who dissents from the orders of the Board on the ground that they transcend the legitimate authority of that body? Is he not at liberty to record his opinions, and to *protest?* Is he not responsible to the Court and to the country, if he neglect to protest?

And if he decline to sign what he believes to be

an illegal order, does he incur any penalty? what process can be used against him to enforce his signature? and what means has he of protecting himself, placed, as he may be, in the dilemma of either committing what he believes to be an illegal act, or of refusing obedience to a constituted authority?

THE COURT OF DIRECTORS AND THE BOARD OF CONTROL.*

. . . . I am willing to hope that his Majesty's ministers intend to render the Court a useful and efficient organ of administration; but, at present, I cannot perceive how that object is to be accomplished, while all real power is reserved to the Board. We shall only, I fear, become a screen interposed between the Government and the British people. The Government will not have the direct responsibility which ought to attach to the exercise of power; and we shall have the discredit of measures which we may have disapproved and opposed.

It is not easy, I admit, to point out a safe and unobjectionable course; for there are difficulties inherent in the nature of the thing to be obtained:—good government, by a mixed agency and a judicious distribution of powers. The Court were of opinion that *publicity* would afford the best security against maladministration; since men acting under the public eye may be expected, generally, to act with caution and correctness. The *right* to appeal to another tribunal may be expected to produce good, although rarely exercised. All we have contended for is the

* From a paper written in 1833.

privilege of laying our protests before Parliament in particular cases. This could only be done on great and important occasions; and if the privilege should ever be abused by factious men, the remedy would rest with Parliament itself. A vote of censure would strip them of all credit; and render it impossible for them to retain their places. An appeal to the Court of Proprietors could scarcely produce the same effect; although I am sensible that an appeal to the public through this channel would not be without its use.

I repeat, that we have gained much in the course of our negotiation with his Majesty's ministers; but more might have been conceded to us without public inconvenience; and not only with advantage to the proprietors, but with benefit to the national interests, which, I am persuaded, would have been best consulted by continuing the East India Company as the organ of the territorial remittance, and as the instrument of supplying the British consumer with the article of tea. But we are now in the hands of Parliament; and must submit to the wisdom of the Legislature, the guardian of the national welfare. I still hope that the two points at issue may be conceded to us.

The extension of the Guarantee Fund, although of importance to us, cannot be matter of importance to his Majesty's Government. The privilege of resorting to Parliament, where two authorities are supposed to exercise a concurrent jurisdiction, might, no doubt, produce inconvenience if abused; but there is no reason to apprehend abuse; and as the Court of Directors will be stripped of all that influence

which their commercial character gave them—as they have now little connexion with Parliament—and as their patronage, which also conferred influence, will probably be placed on a different footing, it appears to me that the independence of the Court ought to be better secured, and its power to be strengthened rather than curtailed, if it is to perform any useful office in the administration of India. I cannot lift up the veil which hangs over the future; it may conceal from us sunshine or storms. The plan of his Majesty's ministers has not been fully disclosed to us, and it may not yet have received its last finish; but viewing it, as I must do, in the form in which it has been presented to us, my impression is, that it must fail, and that its failure will produce financial, commercial, and perhaps political derangement. His Majesty's Government have been urged forward by the popular voice, to take from the East India Company every part of the China trade; but public opinion, on this subject, appears to me already to have undergone a change. The merchant is already calling for our protecting shield, and the manufacturer for our fostering care. Let not truth and reason come too late. I do feel a most anxious solicitude on this subject; and it is that strong feeling which has impelled me to place my opinions upon record.

THE SUPREME GOVERNMENT AND THE MINOR GOVERNMENTS OF INDIA.*

To the proposition of Mr. —— for the formation of a fourth presidency I have not the smallest objection; on the contrary, the Board of Commissioners, of which I was a member, in their report to the Supreme Government of the 13th April, 1808, were induced to recommend "that a more efficient authority be established in the ceded and conquered provinces;" and the grounds for this recommendation, far from being weakened, have acquired force from the extension of our territory and connexions, and from the unsettled state of our western provinces and the adjoining country of Oude.

I consider the imperial city of *Agra* to be particularly well adapted for the seat of the new Government. Situated on the Jumna, it has, to some extent, the advantage of river navigation; it has a fortress for the protection of our treasure and archives; it is sufficiently near to Delhi, to Bhurtpore, Gwalior, Rajpootana, and other points which must always be observed with care and vigilance; and it is not only centrically placed with reference to the territory likely to be assigned to the new presidency, but it occupies an intermediate and convenient station between Calcutta and Bombay; it is

* From a paper written in 1833, reviewing the provisions of the present Charter Act.

also near the principal stations of the Bengal army —Muttra, Meerut, &c.

But upon the constitution of this, and the other subordinate presidencies, I differ widely from the views entertained by the President of the Board, whose proposition goes to degrade them into mere lieutenancies, stripped of a council, and deprived of all independent authority; the Supreme Government being invested with "a *precedent* and *preventive*, in place of a *subsequent* and *corrective* control." What functions of government are these lieutenants intended to exercise? We are told that they are to have a council of "*secretaries;*" but are these ministerial officers to deliberate and vote under a direct responsibility? And are they to be remunerated with salaries equal to those which have hitherto been received by the members of Government? If so, there is only a change of *name;* and the executive duties of the secretary will soon, no doubt, be consigned to some inferior officer. If they are not to be deliberative and responsible functionaries, in what situation will not the Government be placed? Some man of rank will be appointed governor, or lieutenant-governor, who has never seen anything of India—who is unacquainted with the languages, manners, and feelings of the people, and who must depend upon the advice of an irresponsible secretary for conducting all the affairs of his government. The members of council are not only qualified in general, by their knowledge and experience, to give wholesome advice to the new

governor, but they are a constant check upon him; and by recording their minutes, when a difference of opinion occurs, the home authorities are enabled to form a more correct judgment on the merits of every case which may be brought under their notice.

I see no objection to the Supreme Government being invested with a general power of restraint on the public expenditure at the subordinate presidencies; and it may be useful that the regulations framed at those presidencies should be submitted for sanction to the superior authority, in order that *uniformity in the general principles of legislation* may be preserved; but I am by no means of opinion that legislation should vest entirely and exclusively in the Supreme Government. It appears to me that laws should be adapted to the state of the particular society; and the local administration must certainly be best qualified to judge of the wants of the community over which it presides. Absolute uniformity in legislation is neither necessary nor desirable, nor perhaps practicable.

Nothing can be more dissimilar than the character and habits of different classes of the population of India; and no assumption could be more fallacious than that the same laws would answer equally well for them all. The natives of Bengal Proper bear no resemblance to the inhabitants of Upper Hindostan; and, although I cannot speak from the same personal knowledge, I have reason to believe that the Mahrattas of the Deccan, and the Nairs, Mossilas, and other inhabitants of the peninsula, are

distinguished in a remarkable manner from both. Why is it that the regulations of 1795 for Benares have been found more suitable and easy of execution than other parts of our code? Simply because the Benares regulations were drafted on the spot, upon an accurate knowledge of the condition and wants of the particular society. I contend, then, that the power of legislation should be continued in the subordinate governments; although I do not object to their being required to submit their regulations for revision, and for the ultimate sanction of the supreme authority in India.

I am of opinion that the seat of the Supreme Government should be fixed in Calcutta; and I could assign many reasons for this opinion, in opposition to that of Lord William Bentinck (who prefers "Allahabad"), if the question were still open for consideration. The provinces from Benares* eastward, including Arracan and the settlements on the coast of Tenasserim, would constitute, I think, the proper limits of the superior presidency; and as these provinces have, with the exception of our late acquisitions from the Burmese, been long settled, the superintendence of their internal affairs would not impose upon the Supreme Government any very onerous duties, or interfere materially with the exercise of a general control over the other presidencies. The

* There would be a convenience in this division on financial considerations. The Furruckabad rupee is the currency of the upper provinces, from Benares westward; the Calcutta sicca rupee alone circulates in the lower provinces east of Benares.—H. St.G. T.

chief functions of the Governor-General in Council will, no doubt, be legislative and political, with a general superintendence; but it appears to me by no means advisable to divest the Supreme Government of the immediate management of a particular territory. This sort of abstraction would separate it too much from the people; and remove it too far from the sphere of their internal concerns. One great evil incidental to our rule is, that the Governors of India can rarely become acquainted with the people over whom they are placed.

The projected change in the construction of the Supreme Government appears to me to call for the most serious consideration. It is to be composed of *seven* members instead of *four*, the present number; and the councillors are to be appointed "by the Court, *with the approbation of the King*," instead of being selected, as at present, by the Court, without any interference on the part of his Majesty's ministers. For the proposed addition of three members I can perceive no sufficient reason; even if no objection occurred on the ground of expense. With one hand we take away the councillors from the subordinate presidencies; and with the other add (unnecessarily, as I think) to the apparatus of the Supreme Government.*

If it be intended to take the three additional councillors from the service of the subordinate presiden-

* This project of one Central Council was abandoned in 1833, but as it is now again under consideration, the passage in the text is retained. The subject is one of the gravest importance.

cies, we shall remove them from the spot where their knowledge and experience are likely to be most useful; and we shall bring them to a quarter where they will find a different state of things, and where even the languages which they have acquired will not enable them to communicate with the people.

If it be proposed, by means of this extended apparatus, to carry on in Calcutta all the details of administration, from Cape Comorin to the Himalaya Mountains, and from the borders of China to the Indus—then, I say, the project is visionary and impracticable. The machine will be overloaded, and will not move:—the responsibility will be divided between the Supreme Government and its lieutenants. The latter, divested of all independent authority, must dwindle into insignificance; or if, when differences occur, an appeal is to be made to the home authorities, the decision in the last resort must either weaken the influence of the controlling power, or become altogether nugatory. The plan, in truth, appears to me to place the Supreme Government in the position which the home authorities at present occupy; but as it is not intended, I presume, to withdraw their superintendence, an intermediate process of revision will have been superadded; and if it be required that the subordinate Governments should send home their proceedings, and that the superior Government should also transmit its correspondence, containing the revision of those proceedings, the public business will be increased in a degree likely to produce the greatest embarrassment.

I am quite aware that much of the good which has been done in India has been effected by the local Government, and much ought at all times to be left to its discretion; but I cannot think that the check of the home authorities is without its use, or that it can ever be safely dispensed with. I would strengthen the political power of the Supreme Government to the utmost, nor can it well be armed with an authority too absolute over Europeans resorting to India; but I cannot perceive any necessity for withdrawing from the subordinate presidencies the free and independent exercise of all the administrative functions of government, whether revenue, judicial, military, commercial, or even legislative.

APPOINTMENT OF MEMBERS OF COUNCIL.*

The best security which we possess at present for good government in India depends upon the judicious exercise of the power to select from the service at large the members of council at the different presidencies. We do not exercise the same independent power in appointing the Governors of India; his Majesty's ministers must, for obvious reasons, be parties to such appointments. These high functionaries have generally been political characters of distinction connected with the Administration, and they must possess the confidence of the national Government; but the Court of Directors are better ac-

* Written in 1833.

quainted with the merits and pretensions of their own servants, and it is of importance that the whole service should look up to them for protection and advancement. The high station of a member of council is looked to as the reward of distinguished service, and it operates as the great stimulus to exertion; but if his Majesty's ministers be allowed to appoint their own partisans, or individuals not connected with the service, this fair and legitimate object of ambition is at once removed, and those motives and feelings which have heretofore produced such devotion to the public service will necessarily be weakened, if not extinguished.

THE SUPREME GOVERNMENT AND THE LEGISLATIVE COUNCIL.*

I will now proceed to notice those changes in the constitution of the administrative body which appear to me likely to have an injurious tendency.

1st. I cannot satisfy myself that the Court of Directors will continue to be an efficient and independent organ of administration. I perceive only two powerful functionaries, the Governor-General of India and the President of the Board of Commissioners; and upon these must the fate of India henceforward mainly depend. We may afford useful assistance by our knowledge and experience, but we shall not be the governing power, nor ought the responsibility of governing well to attach to us.

* Written in 1833, with reference to the revised draft of the present Charter Act.

2nd. Although the change in the constitution of the Supreme Government will impart great energy to it—an energy very necessary to counteract the evil which particular provisions of the Bill are calculated to introduce—I cannot admit the necessity for adding so many members to the Supreme or Legislative Council of India, at a very great expense. Had the councils at the subordinate presidencies been dispensed with, some plea might have been found for enlarging the apparatus of the Supreme Government; but it has been most wisely determined that the Governments of Fort St. George and Bombay should retain their council, and continue to exercise nearly the same functions as heretofore, and I cannot, therefore, perceive the necessity for so large an addition to the Council of Bengal.

3rd. I anticipate much inconvenience from the institution of a Law Commission for the revision of our local regulations, professedly with a view to introduce greater uniformity in the code. The expense of such a Commission, with its attendant establishments, will be very considerable; and if the inquiry contemplated be necessary, it is quite competent to the local Government to institute it, without any legislative enactment in this country. The real object seems to be, to prepare for the introduction of English law; and I am persuaded that, in the estimation of our native subjects, a greater evil could not well be inflicted on them. "You cannot," observes a writer on Mahomedan law, "change the law of any country for that of any other, even for a

better, without offering great violence to the people —to the people of India of all others."

The truth of this remark can scarcely be disputed. It were most unreasonable and extravagant to compel the countless millions of India to acquire a foreign language, and to submit to an unknown law, even if their prejudices were not so deep-rooted in favor of their own. Their present rulers, few in number, can, from the advantages of education, and the habit of study, acquire without difficulty the languages and laws of the multitude over whom they are placed; but we cannot re-cast a whole people in a new mould. The Mahomedans did, it is true, enforce their criminal code; and they made use of the Persian language very generally in official correspondence, in their sunnuds or grants, and in other deeds and public documents; but their example is not one which we ought to follow in this particular; and they were placed in a situation which enabled them to indulge their own prejudices, and to enforce an arbitrary policy with less hazard to their dominion.

THE LAW COMMISSION.*

I doubt the necessity or expediency of appointing a Commission to inquire into the administration of existing laws with a view to the introduction of greater uniformity in our judicial system. I have already observed that there is a great diversity in the habits, usages, and religious tenets of our native subjects in different parts of the country; and although uniformity in the general principles of legislation is highly desirable, it appears to me neither wise nor practicable to apply the same rules and regulations indiscriminately to all classes of our people. The local Governments ought to be most competent to judge of their wants, and of the nature of the laws which will be most suitable to them. The expense of the proposed Commission would constitute a very great objection to it; and I am not without apprehension that it is intended to commit the inquiry to English lawyers. Now, to this project I have a decided objection. The natives of India, although abundantly acute, ought to have a plain, simple, intelligible code, divested as much as possible of technicalities; and our object should be, to keep as closely as possible to their ancient usages, to which they have been long familiarised, and to which they are attached. Our Acts of Parliament are so encumbered with a peculiar phraseology,†

* Written in 1833.

† I have had a slight acquaintance with three of the languages of India; and I should say that it is scarcely possible to translate the barbarous jargon of our statutes into a language which would be intelligible to the natives of that country.—H. St.G. T.

that they are scarcely intelligible to any but professional men; and even lawyers of the greatest eminence* are found frequently to differ in their construction of them. We attempted too much, I fear, in the Code of 1793, to imitate the cumbrous and perplexed language of our statutes; and we introduced forms, after the same model, which have the effect of swelling our proceedings, of creating difficulty and delay, and of subjecting all litigants to a heavy expense. It may also be apprehended that advantage is taken of our formal processes—our subtle distinctions—and ingenious refinements and devices—to shelter fraud, and to cover corrupt evidence; and it cannot be doubted that the natives who have been most in the habit of frequenting the King's Courts, are among the most worthless of the community. English lawyers repair to India at too late a period of life to acquire a general and correct knowledge of the languages; and the consequence is, that they rarely become intimately acquainted with the people. Even the illustrious Sir William Jones—all accomplished as he was as an oriental scholar—never acquired the vernacular tongue (the Hindoostani); and he was compelled to use an interpreter to communicate with the people through the medium of the Persian or Sanscrit; the one a foreign—the other a dead language.† These ob-

* Contrast, for instance, the opinions delivered on the Hyderabad case by Lord Lyndhurst, Mr. Justice Bosanquet, and the late Lord Gifford, with those subsequently submitted to the House of Lords by the twelve judges.—H. St.G. T.

† I speak from personal knowledge; as I had the honor of being "Clerk"

servations may appear out of place; but while I admit that precision in language is highly essential in all legislative enactments, and while I also freely acknowledge that English lawyers usually receive a more finished education than our own servants, and that they possess a more extensive and accurate knowledge of those great principles which form the basis of all good laws,—yet I must strongly and earnestly deprecate the introduction of English law among our native subjects, in supersession of their own laws, usages, and institutions. Scotland, although so long and so closely connected with us, has retained its own laws and institutions, which it would not willingly exchange for our judicial machinery. We, as Englishmen, may have an impression in favor of the superiority and perfection of our own laws (to which, nevertheless, no wise or good man ever willingly appeals); but the King's Courts in India are unquestionably to the natives in the interior the objects of terror and aversion.

Much stress has been laid upon the expense which will attend the establishment of a fourth Government at *Agra;* but I wish that we had urged this objection more forcibly in bar to the appointment of a Law Commission, and to the addition of three new members to the Supreme Government, at an expense of 300,000 rupees, or 30,000*l.* per annum. The one appears to me to be necessary; the other to be uncalled for and objectionable.*

to Sir William; an honor to which, at this day, I look back with pride.—H. St.G. T.

* Mr. Tucker was at this time rooted in the conviction that the establish-

SELECTION FOR CIVIL EMPLOYMENT.*

In order to prevent inconvenience and injury to the public service by reason of the employment of individuals in public situations for which they may not be prepared and duly qualified by previous knowledge and experience;

In order to prevent jealousies and dissension between the two great branches of the service, civil and military; to prevent the unnecessary withdrawal of officers from their corps in a way to prejudice the discipline, and to impair the strength and efficiency of their regiments; to introduce a more

ment of the Law Commission was a mistake; and he subsequently believed that the result had justified his anticipations of its failure. Writing, in 1842, to Sir Robert Peel, he expressed himself in the following terms on the subject:

"My colleagues, I believe, are nearly unanimous in opinion that the "'Law Commission' in India may be dispensed with. I do not go so far as to "maintain that this Commission has been of no public utility, but I do think "that a more simple machinery might be employed to answer every neces- "sary purpose. The 'Macaulay Code,' as it is called, which cost us not less "than 100,000*l.*, remains a dead letter; and though I have repeatedly called "attention to it, I have reason to believe that it is never likely to be brought "into practical use. In this case, we shall have maintained a costly esta- "blishment, with little or no fruit from its labors; and we shall justly incur "reproach if we continue a large expenditure without obtaining any commen- "surate advantage.

"It occurs to me (and I am not singular in the opinion), that all the func- "tions of legislation *for India* may be performed by the Council of India, "with the assistance of the Chief Justice, as one of the judges of the Supreme "Court, who might occupy the seat in the Legislative Council about to be "vacated by Mr. Amos, with such addition to the salary of judge as would "make it equal to that of a member of Council.

"This arrangement would effect the saving of the judge's salary; and if "at the same time the Law Commission be dispensed with, a saving to a "very large amount would be effected in the judicial charge of India."

* Written in February, 1845.

uniform practice in selecting for public employment from the different branches of the service; and to put an end to those questions which are apt to arise from the professional feelings of its members, civil and military;

It would seem to be desirable that some definite rules should be prescribed for regulating the selection for office by the Governments abroad; and it is accordingly submitted:

1st. That, according to established usage, founded on considerations of justice and convenience, the Political Department should be considered open *equally* to the civil and military services; the selection for office being made with reference to the qualifications, merits, and claims of the individuals.

2nd. That, on the ground of previous preparation and professional education, all offices "purely civil" be held *exclusively* by the civil service, in the same manner, and for the same reasons, that situations purely military are held exclusively by the military service. Offices "purely civil" should comprehend all situations in the revenue and judicial departments.

3rd. That, as an exception from this rule, military officers be held to be eligible for employment in the Thuggee Department, and in the military police (should such establishments be maintained), with the powers of magistrate.

4th. That, in accordance with the principle established and enforced by the Regulations of 1793, the officers employed in police duties, whether civil

or military, be invested with the functions of *magistrate only*—that is, that they be empowered to apprehend, take evidence, and commit for trial, but without the power of trying, convicting, and punishing the offender.

5th. That all trials for the crime of Thuggee, Gang-Dakoity, &c., under commitments by the magistrate (whether a civil or military functionary), be conducted in a regularly constituted court of justice; and sentences for capital punishment, or transportation, be referred, as at present, for confirmation by the Court of Nizamut Adawlut.

6th. That military officers appointed to the magistracy, or other civil duties, be required to subscribe the same oath, and to undergo the same examination in two of the native languages, as is prescribed for civil servants appointed to similar situations.

7th. That no military officer be eligible for employment in the civil department of the service until he shall actually have served with his regiment for not less than, say, five years, and shall be reported to have made himself acquainted with his professional duties.

These simple provisions would not only tend to obviate the inconvenience which is at present experienced, and to prevent the just complaints of the civil service, arising out of their late *exclusion* from employment in the political department, but they would tend to establish a uniformity of proceeding which is highly desirable, but which has not of late

years been observed on the part of the local Governments.

It has been urged in a high quarter that the employment of the military in civil situations is an arrangement recommended by *economy;* but, if this statement were well founded (which it is not), I must contend that the reason assigned is objectionable in *principle*, for the public servants ought to be remunerated with reference to the nature, extent, and responsibility of the duties to be performed, and not with reference to the profession of the party performing them. But, on the other hand, I am prepared to show:

1st. That the highest allowances in the service are at this moment drawn by military men; and,

2nd. That a large number of young subalterns are employed in civil situations, on allowances *superior* to those drawn by civilians of the same rank and standing in the service; and even in some instances, I believe, on allowances exceeding those which civilians would be entitled to draw under the provisions of the Act of Parliament.

The following objections may be stated (and they have repeatedly been urged) against the selection of military officers for civil employment:

1st. Many highly gifted officers are detached from their regiments, and so far detract from the efficiency of the military service.

2nd. Officers of inferior merit are sometimes, through interest, promoted to civil situations for which they are not qualified, while officers of supe-

rior pretensions, not possessing interest or influence, are left to go through the drudgery of regimental duty, and fancying themselves to be neglected, they become discontented.

3rd. Officers long employed in civil situations become disqualified for the performance of regimental duties—are apt to find such duties irksome —and, when they attain the rank which may entitle them to command, they are no longer competent to perform efficiently, or to see that others perform, the duties of their profession.

4th. A young subaltern appointed to a civil situation soon after his arrival in India (which has happened) will never be likely to learn the duties of his own proper profession, and can never be expected to make a good regimental officer.

5th. Some of the officers of her Majesty's service who have served long in India, and have become well acquainted with the languages and usages of the people, must naturally feel their total exclusion from civil employment a hardship, when the Company's officers, not possessing superior qualification, are held to be eligible for such employment.

If the practice which has of late prevailed of employing the military, as well as the "uncovenanted" servants of the Company, in civil offices requiring peculiar qualifications, is to be continued, and perhaps extended (for it has been growing of late), the reasons for maintaining an exclusive service will cease, and it will be for the home authorities to consider whether it will not be expedient to abolish

that service, or to consolidate the two branches of the service, and thus to save the very heavy expense which both the Government and the families of their civil servants at present incur, in bestowing a costly education on those who are destined to perform duties which it is now assumed others can perform without such education.

To exclude the civil service altogether from employment in the political department (as has been done of late), is virtually to determine that no individual of that service shall have an opportunity of qualifying himself, by knowledge and experience, for the high political functions which he will have to exercise as a member of the Government—a situation which that service looks to as the only reward held out to distinguished merit. The civilians have never, I am convinced, felt any objection to, or any degree of jealousy at, the selection of eminent men from the military service for political situations; but they have felt *their exclusion* as a grievance and injustice, and as disparaging the character of a body of men who have served their country faithfully and successfully, and who have not merited systematic neglect, and still less contumely, from their employers. If they have not manifested of late that high spirit, zeal, and independence which heretofore distinguished the service, the deficiency must be attributed to their having been most unwarrantably degraded of late. Men who lose their own self-esteem and the esteem of others, lose much of their power of usefulness. Confidence is necessary to

stimulate zeal, and the best instruments may lose much of their value and efficiency when committed to hands which know not how to use them, and which are disposed capriciously to abuse them.

REVENUE AND JUDICIAL ESTABLISHMENTS.*

The changes announced by the Bengal Government in their despatches [of the 10th and 30th Dec., 1828] have been introduced professedly with the view to render our revenue and judicial administration more efficient, and this object is to be accomplished by separating the criminal from the civil department of our judicial system, and by annexing the criminal branch to the revenue authorities.

It is not pretended that in this change any new

* From a paper, bearing date July 11, 1829. It was called forth by the measures of Lord William Bentinck for the reorganisation of the civil departments, consequent on his abolition of the Provincial Courts. Certain Commissioners of Circuit and Revenue were appointed, whose business it was to preside over the criminal branch of the judicial administration, and to superintend the settlement of the revenue. This union of the functions of the judge and the fiscal officer in the same person, was conceived by Mr. Tucker to be a dangerous anomaly, and he has pointed out very clearly and convincingly, in this paper, the evils of the system. The result has abundantly proved the soundness of his views. The system was not found to work beneficially for the public service; and the business of the Sessions was subsequently entrusted to the civil judge. The Commissioner continued to superintend the police establishments; and, in consequence of the new duties imposed upon the civil judge, the functions of magistrate were transferred from him to the collector; and thus again the principle, for which Mr. Tucker contended, was violated in the subsequent arrangements. The system has not worked well. The magisterial duties have generally been postponed to the fiscal, and have, therefore, been inefficiently performed.

materials are acquired. We are to employ the same men in nearly the same numbers; and the only difference will be, that these individuals will be employed in a different manner. The labor will be distributed in a different way; but the constituent parts of the machinery will remain the same.

The first question which presents itself is, whether the same individual, under the title of "Commissioner," can with efficiency and advantage perform the duty of directing and superintending the revenue concerns of an *arrondissement*, or circle of five or six districts, containing probably 15,000 or 20,000 villages, and a population of from 3,000,000 to 4,000,000 of people, and at the same time perform the circuit of these districts, at least twice in the year, for the purpose of holding a general gaol delivery at the principal stations.

There may be gifted persons who can with the same facility embrace and expound the most recondite principles of law, and unravel and master the most intricate details of a revenue settlement; but if we take men of ordinary or average capacity, such as they are found in real life, this versatility of talent will not be forthcoming, and we shall be convinced that particular men are best suited to particular purposes.

I will not insist that the subdivision of labor has been found useful in multiplying the powers of labor in almost every branch of industry to which the energies of man have been applied; but I do main-

tain that the powers of the individual, both physical and intellectual, dispose him towards particular pursuits, and qualify him for the attainment of particular objects in different degrees; and that these powers are developed, strengthened, and improved by use and habit, when applied to particular rather than to general objects.

Sir H. Strachey, and our colleague Mr. Stuart, are known to have been among the very best judges which our service has produced; but these gentlemen would probably have made only ordinary collectors, while some highly distinguished collectors, who might easily be named, would never probably have risen above mediocrity as judicial officers.

In the list of new commissioners, I can point out more than one gentleman who has never been employed in the revenue branch of the service, and who, if he attempted to interfere in the revenue concerns of a district, must expose his ignorance to every revenue officer under him. What purpose of real utility, I would ask, is intended to be answered by employing this gentleman in a situation to him so new and so difficult?

In the unsettled districts, especially, the superintendence of such a functionary must be merely nominal. Without knowledge and experience himself, it is impossible that he should direct the operations of others with any kind of advantage, even if his whole time and attention were devoted to the particular object; but when he has two duties to

perform, will he not naturally apply himself to the one which is become familiar to him, and comparatively easy, to the neglect of that to which he feels conscious that he cannot do justice?

And further, I contend that, let the disposition and habits of the individual be what they may, he cannot perform the circuit of five or six districts twice in every year, for the purpose of holding the Sessions, and at the same time bestow the necessary attention on the revenue concerns of the province. The work, we say, is at present too great for the instruments, and is not, consequently, performed; but can we reasonably assume that it will be better performed by such a change in the distribution of these instruments as shall convert a judicial into a revenue-officer, and break up all the established habits and associations of the service?

The Supreme Government, with their territorial secretary, have pronounced the present judicial and revenue system to be extremely defective and inefficient, if not "a complete failure;" and this intelligence is calculated to produce the utmost pain in the mind of every man who takes an interest in the welfare of the people of India and in the honor of the British name. But is a partial re-union of the revenue and magisterial authorities the appropriate remedy for the evils stated to exist?

These authorities *were* united, at an early period of our administration, upon a plan nearly resembling

that which it is now proposed to introduce. Provincial Councils superintended the general concerns of a certain number of districts—individual members took charge of particular districts, for the formation of the settlements and for executing the details of business. At a later period the plan was modified by the substitution of principal collectors or chiefs, with assistants under them, uniting the revenue and judicial authorities. But what was the state of our Bengal provinces under this system? It is notorious that corruption prevailed—that the people were oppressed—that justice was not administered—and that the country was impoverished and desolate.

This system was accordingly condemned, in 1793, in the same manner as the system of 1793 is now denounced by the Government of India as pregnant with evils, which are to be remedied, not exactly by a recurrence to the old and exploded plan of internal administration, but by a sort of compromise between the two systems.

Now, when everything which we undertake seems to end in failure, ought we not to look deeper for the cause, and ought we not, with becoming modesty, to hesitate before we condemn and undo the work of our predecessors while there is any, the slightest, reason to apprehend that our remedies and appliances are not such as are calculated to reach the source of the evil.

. . . It may be thought strange and inconsistent that I should refer any of the defects of our

administration to our character of foreigners, when these foreigners are so well qualified by their education, and by their acquaintance with the laws and institutions of a country in the highest state of civilisation, to introduce among a people much less advanced those principles of government which are supposed to produce the greatest sum of human happiness. But while I admit, and indeed proclaim with pride, that our rule in India has been attended with advantage to its inhabitants, and especially in protecting them from the misery of foreign invasion, I cannot conceal from myself that some of the evils which the country suffers are inherent in our situation as conquerors and strangers; and that, studious as we should ever be to alleviate them, they cannot be entirely prevented, while they may be aggravated by indulging that restless disposition which will leave nothing to settle, and which is only to be satisfied by the trial of some new experiment.

Upon principle, I consider the re-union of the revenue and judicial authorities in India to be unsafe and inexpedient. The combination of such powers in the same hands is liable always to generate abuse—it is difficult to control the exercise of them by any wholesome and efficient checks. These powers, so combined, were, at a former period, notoriously abused; and it is equally true, I believe, that since the separation of the two authorities in 1793, our revenue administration has been more pure, that corruption has been more generally pre-

vented, and that the people have been better protected in their persons and property. The improvement, I am aware, is not to be ascribed solely, nor perhaps chiefly, to the separation of the two authorities. The service was raised to an honorable independence by the grant of liberal allowances; and it is now, I hope, better educated and better trained for its more important duties.

But while I contend, upon principle, for the separation of the revenue and judicial authorities, I am not so devoted to system as to deny that they may not in particular cases, and under certain circumstances, be combined with convenience and advantage, or that the existing system is not susceptible of improvement. I myself have long thought that some useful modifications might be introduced, in order to render it more simple and efficient, and, I may add, less expensive.

What I object to in the new arrangements introduced by the Supreme Government is, that after displacing nearly the whole service, and disturbing all our official machinery, and after incurring a very heavy expense, we shall find the new commissioner, unchanged in his identity, unequal to the discharge of the two duties imposed upon him, unqualified for the one, distracted in his attention to the other, and perhaps not unfrequently failing in both. Can it be supposed that the criminal judge, whose mind has been upon the stretch while anxiously trying a case, where the character and life of a human being are at stake, can suddenly turn from this grave and

sacred duty to examine the details of a revenue settlement? That speculation is visionary and delusive which proceeds on the assumption that rare and splendid qualities are to be found in the aggregate, and that various, difficult, and dissimilar duties can be executed by the generality of men, merely because they can be embraced, in all their variety, by some one favored individual.

Mr. Holt Mackenzie, for instance, who seems to have planned the new arrangements, evidently measures the capacity of other men by the standard of his own mind, and no mistake could well lead to more erroneous conclusions. He could not otherwise have described as plain, and easy, and even "*pleasant*"—in short, as mere pastime—the formation of a settlement in a district containing eleven thousand villages, "after a field measurement, an individual assessment, with a detailed census," &c., &c. If this be true, how has it happened that to the present moment this holiday work has nowhere been completed? The secretary's papers abound in reflections and abstract propositions, which may all be perfectly just and true, without advancing us towards any practical results. We have to deal with an imperfect instrument; and, however specious may be the speculations of the closet, we must be prepared for disappointment if we measure out our work less with reference to the capacity of the workman than to the demands of a favorite theory. I do not object to the new arrangements that they aim at a greater degree of per-

fection. Perfection, although unattainable, should be aimed at in order that we may approach it; but as the most liberal and unprejudiced among us are apt to regard that only as good and fair which is reflected from our own minds, nothing will ever be stable, nothing will endure, if respect be not had to the opinions and decisions of our predecessors, and if the whole mechanism of government is to be taken to pieces and re-cast at the pleasure (I will not say the caprice) of every succeeding theorist. . . . .

Even admitting, what I cannot admit, that the "Commissioner" will be equal to the double duty of superintending the Revenue and the Police, and of performing the periodical circuit for the trial of criminal offences, no provision is made for his absence or sickness. He has no deputy or substitute, although it is nearly certain that one will occasionally be required, and must be supplied at further expense.

When the public business is entrusted to Courts and Boards consisting of two or more members, it is not often found necessary to provide for the temporary absence of an individual, because one of his colleagues is at hand to take his place. Nor is this the only circumstance in favor of such establishments. From among two or three individuals there is a fair chance that one, at least, will be found active, intelligent, and efficient. Something, moreover, is to be gained by an interchange of opinions, by comparing and examining facts and the different sources of knowledge. Timid men, who would

shrink from responsibility while acting singly, and who are liable to be overawed, even by their inferiors of more energetic character, proceed with more confidence, and exert greater vigor, when supported by an official associate. And, above all, the vice of corruption is best checked by the presence of a near observer. There are few persons so dead to all feeling as not to pause before the commission of a dishonorable action which is likely to expose them, not merely to the observation of an official colleague, but to the contempt of one with whom they habitually associate, and whose esteem is necessary to render society of value.

I am aware, at the same time, that, by confiding power to a single hand, collision and contention are avoided, despatch in the conduct of business is promoted, personal exertion is stimulated, and responsibility is rendered more sure and determinate.

These are great advantages, I admit; but how if that individual be ignorant, indolent, weak in body or mind, the dupe of others? Will he be able to effect anything great or good? And how if he be corrupt, rapacious, arbitrary, intriguing, capricious, destitute alike of principle and of shame—will not his very activity be mischievous to the public?

I do not undertake to decide between the two alternatives; but I do presume to submit to those who are so prone to decide, that the grounds on which they claim a preference for their own particular system are not so clear and indisputable as they would seem to imagine.

Sir C. Metcalfe, to my surprise and regret, appears desirous of re-investing the Government with the administration of civil and criminal justice, even (to use his own words) to the extent of "revising, correcting, and altering judicial decisions."

There is something, I own, very inviting in the simplicity and uniformity of that theory which would refer all power to one source, and which would give life and motion to every object by the application of one all-pervading impulse; but it would be as reasonable to impose upon the head the offices of the hands and the feet, as to require the Supreme Government of India to exercise all the legislative, administrative, and judicial functions of the state. The Privy Council of England, it is true, acts as a high court of appeal; but it is not the Government, nor the Legislature.

But this theory has been tried at no very remote period, and it was found wanting, although our territory at the time did not reach one half its present extent.

It is contrary to sound principle that a Government should sit in judgment upon its own acts; but, waiving this objection to the accumulation of powers, which ought in some cases to operate as reciprocal checks, the functions of the Sudder Dewanny and Nizamut Adawlut cannot possibly be exercised efficiently by the Government. When the attempt was made, what was the consequence? That the business devolved upon irresponsible officers, the reporter and registrar of the Court. I can speak to this fact with

confidence, because I held at the time situations both under the Court and the Government, which gave me an opportunity of seeing how the legislative and administrative duties, as well as of those of the Sudder Courts, were carried on. The system was condemned and exploded, not merely upon abstract reasoning, but after a fair experimental trial.

In the same manner Mr. Secretary Mackenzie proposes to mix up the revenue and judicial branches of the service by appointing our young civilians to officiate, in the first instance, as assistants to the collectors, and thence to take their promotion into the higher judicial and revenue stations. There cannot be a doubt that an intimate knowledge of revenue management, in a country whose population is essentially agricultural, must be of the highest utility. A large proportion of the suits which are filed in our courts originate in boundary disputes, and in questions relating to the landed property, and to the contracts between landlord and tenant; and from the frequent absence of authentic documents, from the difficulty of ascertaining local usages, and from the defects of native evidence—these are among the most intricate and embarrassing cases which we are called upon to unravel and decide. But is not the course recommended exactly that which was pursued at a former period? Was not the usual routine of promotion from the situation of assistant to a collector to that of register, thence to a collectorship, thence to a zillah, or city judgeship, and soon to the higher grades of the service? I can attest that this *was* the

usual course with few exceptions; but it was changed because it was thought not to answer well. It was considered that these two important branches of the service required a particular education and a separate course of training. And, let me ask, were Sir H. Strachey and Mr. J. Stuart (these were among the exceptions) ever employed in the revenue department of the service? They were not. And let me further ask, are we always to employ the talents of our best servants for the great purpose of extracting a landlord's rent from the country which has been committed to our sway, we may hope for some nobler purpose? Mr. Secretary Mackenzie calmly suggests that the ablest registers should be withdrawn from the courts, and employed as sub-collectors. The proposition was well meant, I am sure; but can we be surprised that justice is not well administered, and that the people are unprotected, when everything must give way to considerations of revenue? It is idle to pretend that these useful officers are to be *lent* to the revenue department, for the mere purpose of qualifying them better for judicial duties at some future period. What is the *immediate* object of taking them away from those duties which are now well performed by them? If they had not been well performed, would these officers have been thought of for a revenue trust?

I differ from Mr. Mackenzie not in his end, but in his means; and his means have been already tried. If there be one defect in our service more striking and more reproachful to us than any other, it is the

want of preparation and qualification for our high judicial functions. Young men, half-educated, and without knowledge or experience, are often called upon to exercise the sacred office of judge, to do that which no human being can do with any certainty that he is doing right. Far, then, from blending the judicial with any other branch of the service, and far from depriving it of some of its most valuable members, it ought, perhaps, *ab initio*, to constitute a distinct and distinguished profession. Without reference to the present question, I have been led to reflect upon this subject; and it appears to me that the Court of Directors would act wisely and judiciously were they to select the most promising of our college youth for the judicial department, and to provide specially for their instruction in the laws, local regulations, institutions, and usages of the country in which they are destined to serve. For this purpose, it would be necessary to detain them at Haileybury for a longer period—(say, to the age of twenty-one)—in order that they may receive a more finished education, and become more competent, from the direction given to their studies, to undertake the important and responsible duties which await them on their arrival in India. The elevation of the judicial service will be found more particularly necessary, if (unfortunately for the country) Europeans are to be allowed to hold lands in it, and English law is to be administered by our provincial courts to an increased number of British adventurers; but the discussion of the subject would be

out of place on the present occasion, and it is too large to be treated incidentally.

With the sentiments which I have ventured to express on the new arrangements adopted by the Supreme Government, I may be asked whether I think they should be peremptorily set aside by the authorities in this country. To do so, would be to resort to another unsettling change, which I deprecate; and it is much to be apprehended that we could not now retrace our steps without inconvenience. But the plan will not, I am persuaded, be found efficient in practice; and without absolutely condemning it, orders may be given to reduce the number of commissioners, and the arrangement may otherwise undergo some salutary modification—as thus:

1st. The commissioner heretofore attached to the judicial department, who shall not be found useful as a revenue officer, should be sent back to the provincial courts, or his services may be dispensed with altogether.

2nd. The commissioners in the old and settled territory, and especially in Bengal Proper, may unquestionably be dispensed with; because the duty of prosecuting local inquiries, when necessary, can be provided for by the occasional deputation of one of the three members of the superior Board at the presidency.

3rd. In those provinces where a commissioner may not be stationed, the duties of the circuit may be performed by one of the judges of the provincial

court; and these courts, where necessary, may be reinforced by the judicial officers, whose services shall have been dispensed with as revenue commissioners.

The saving consequent on the reduction in the number of commissioners, is likely to be of more importance than may at first appear; because, even if we suppose that these high functionaries, placed at the head of a province, will find a salary of 36,000 rupees per annum (or 42,000 rupees, including travelling expenses) sufficient, we shall be called upon to provide occasional substitutes, secretaries, translators, kutcherries, and other appendages of high station, which must occasion additional expense; and with every disposition on the part of the Government to observe economy, the new apparatus which they have introduced will, I apprehend, become the source of a growing and an intolerable charge upon the revenues of India. The very first movement will be attended with a heavy expense, in travelling charges, extra allowance to officiating servants, &c., a large proportion of the revenue and judicial service having changed their stations.

The alterations pointed at are not unlikely, I think, to be adopted by the Supreme Government itself; for when I endeavor to trace the progress of the plan, and the manner in which the machinery may be expected to work, my impression is that the new distribution of powers and agencies will be found inconvenient and defective, and that the plan must undergo some early modification.

The commissioners who have been heretofore employed in the judicial department, will, it may be presumed, attend to the gaol deliveries, and to objects connected with the police of the country; but they will not probably interfere in revenue matters, with which they must be generally unacquainted. The business of assessment and collection, of forming butwarries (the division of estates), and other details, will accordingly devolve upon the district collector; and the new functionary, in his revenue capacity, will thus become a mere channel of correspondence between the collector and the superior Board, and so far a sort of drag-chain upon public business.

On the other hand, the commissioners, who have been distinguished as revenue servants, will take but little interest in gaol deliveries; they will naturally apply themselves to that branch of their duty which is most familiar to them, and from the successful performance of which they can hope to acquire credit and promotion. Successful exertions in raising a revenue are much more obvious, and lead much more frequently to honor and profit, than the steady, useful, but less obtrusive labors of the judge; nor can it admit of a doubt, that the revenue duty will generally command a preference, and that the office of deciding upon the liberty and lives of our native subjects, will be held only in secondary estimation.

But who will undertake the arduous duty prescribed by Regulation I. of 1821, of revising the

transfers of landed property, and of correcting the abuses which have been committed by revenue officers in the Ceded and Conquered Provinces, for the last twenty-five years? A Sudder, or head Commission, was appointed for this express purpose, with a Mofussil (or subordinate) Commission, for the prosecution of inquiries on the spot. Experienced servants were selected for the particular duty; they have been engaged on it for eight years, and what have they accomplished? Their investigation has not extended beyond two districts (those of Allahabad and Cawnpore), constituting about one-sixth part of the territory on which their labor was to have been employed; and unhappily, too, the late despatch from Bengal gives us reason to apprehend that new mistakes have arisen, that recent abuses have been committed, and that while we are correcting at one end, new work is added at the other.

The special Commission (Sudder and Mofussil), with its task unfinished, is now to be superseded; but will the new commissioner, or the collector, or the superior Board (upon whom the duty is to devolve), by snatching a few hours of occasional leisure from their numerous avocations, be able to complete the work? Or are the people to be left, after all, to endure those grievous ills which are depicted in such fearful terms in the preamble to Regulation I. of 1821?

I am not contending for the continuance of the special Commission. It originated in humane feelings. Great abuse had prevailed in the sales of

land in the Western Provinces, which ought to have been more generally avoided, and which my colleague and myself, while in charge of the Western Provinces,* discouraged decidedly. But I am willing to believe that the evil was magnified, and I never did entertain very sanguine hopes that the people would derive much relief from the very questionable expedient which was resorted to. At all events, even admitting (which I am willing to do) that the measure has been attended with partial success, and that some injuries have been repaired, the work appears to me now to have been virtually abandoned; although the circumstances which gave rise to it are still made the theme of unwearied reproach, or unceasing lamentation.

FURLOUGH REGULATIONS FOR THE CIVIL SERVICE.

[Written in 1846.]

The existing rules for granting furloughs to the Cape, Australia, the Sanataria on the Hills, and other places, are certainly defective; and, in general, fail to produce the benefit which they were intended to secure to the Civil Service of India. They operate as an encouragement to the idle, who can resort to those places at a small sacrifice of official income. They create a necessity for frequent changes in the local functionaries, to the great inconvenience of the public service, and to the injury of the people, who are, more or less, affected by these frequent

* See Report of the 13th April, 1808, Para. 243.

changes. And they make very inadequate provision for the officers who are appointed to officiate for the absentees; while, in many instances, an expense is incurred by the Government, consequent upon the removals and changes which frequently take place.

But the plan proposed, as a substitute for the existing furloughs, provides only for an absence of twelve months to Europe, the absentee, during that period, being permitted to retain his office, with a certain portion of the salary—say one-third; and the residue, or two-thirds, being enjoyed by the *locum tenens*.

A furlough of one year to Europe is not, however, I apprehend, sufficient to accomplish the ends usually proposed; viz., the restoration of health and strength to constitutions *enfeebled by a long and laborious service in the climate of India*. Medical men are very generally, I believe, of opinion that a short residence in our native climate is not sufficient to restore the tone and habit of the body, and to give firmness to a *constitution much impaired by local complaints*, or long-continued application to business in India. A furlough of one year, from the time of delivering over office to the time of resuming its duties, would scarcely admit of a residence of six months in England.

1st. I would therefore suggest that a furlough of eighteen,* instead of twelve months, be allowed to

* Perhaps a distinction might be made between furloughs on sick-certificate and furloughs on private affairs; the former being granted for eighteen months, and the latter for twelve months, from the date of embarkation.—H. St.G. T.

the civil servants of India, for the purpose of visiting Europe; and that the present practice of granting leave of absence to the Cape, and other places beyond sea, or to the Hills, for any period exceeding one month in each year, be *entirely discontinued.** A furlough of eighteen months will generally admit of the individual passing two winters in his native land.

2nd. I would propose that the absentee be allowed to draw one-third of his official salary, and that the remaining two-thirds be assigned to his *locum tenens*. The following sketch will show the medium rates of income receivable by each:

	Medium Salary.	Receivable by Absentee.	Ditto by Locum Tenens.
	Rupees.	Rupees.	Rupees.
Servants of the 1st Class, whose salaries amount to 36,000 rupees per annum, and upwards	39,000	13,000	26,000
2nd Class, salary from 24,000 to 36,000	30,000	10,000	20,000
3rd Class, salary from 12,000 to 24,000	18,000	6,000	12,000
4th Class, assistants under 1,200 rupees	7,500	2,500	5,000

3rd. That any servant obtaining the prescribed medical certificate, be admitted to the benefit of the furlough.

4th. That any servant applying for the furlough on any other ground than that of ill health, be granted the indulgence of the furlough, provided he shall have served in India for not less than *ten*† years; and that he shall satisfy the local Govern-

* Or if they choose to go to these places *in preference*, the furlough should be on the same footing and terms as that proposed for England.—H. St.G. T.

† Or eight.

ment that he has good and sufficient reasons for wishing to visit his native country.

This rule will, no doubt, render the number of furloughs indefinite; but Government will not incur any expense in consequence, as they do under the existing regulations; and the servants out of employ, who now receive a subsistence allowance, would have situations provided for them, as officiating for the absentees.

5th. That any of the senior servants, entitled to the retiring pension, who may take the furlough and retire while at home, shall be required to refund the furlough allowance which they may have drawn from the period of delivering over charge of their office in India.

6th. That servants of the 1st Class, whose salaries may exceed 45,000 rupees per annum, be not, in any case, permitted to draw a furlough allowance exceeding 15,000 rupees per annum, as the maximum rate.

7th. That lieutenant-governors, and the members of Council, and general officers on the staff, who are appointed to serve for a limited period, be not allowed the benefit of the furlough.

8th. That military officers, having held civil situations for not less than eight (or ten) years, be entitled to the indulgence of furlough on the same terms and footing as the civil servants.

9th. That the advocate-general and Company's law officers—the superintendent of the Indian Navy

—officers of the Mint, and others, not being covenanted servants, be admitted to the same indulgence after a service of not less than eight (or ten) years in India.

10th. That the furlough allowance be paid quarterly in England, at the exchange of two shillings the Company's rupee, on a certificate showing the date on which the party ceased to draw the allowances of his office in India.

11th. That a second furlough be not granted except in very special cases, to be established to the entire satisfaction of the local Government.

12th. That any person being absent beyond the prescribed period of twelve or eighteen months, as the case may be, be held to have forfeited his office, which shall be otherwise filled up accordingly.

13th. That these rules take effect (say, from the 1st of September, 1846), irrespective of former furloughs, and of any furloughs which may be granted and taken up prior to that date, after which they shall be granted only under the present rules.

The foregoing rules are calculated, I think, to remedy many of the evils of the present system, and to confer a great boon on the service, especially to those who are compelled by ill-health to vacate their appointments,* and to proceed to Europe; and who, on their return, are obliged to wait for vacancies until they can be employed, and on allowances

* In consequence of the forfeiture which is incurred by coming to England, some of our most zealous servants remain at their posts until their constitutions are destroyed, or injured, when they are no longer the same efficient functionaries.—H. St.G. T.

which are not sufficient to defray their necessary expenses.

It may be apprehended that too great a temptation will be held out to our servants to visit England; but it will be more useful, as well as more agreeable to them to visit this country rather than the Cape; and the journey does not now occupy much more time than the passage to the latter place of resort. The Government will not incur any additional expense; and the individual will, in general, return to the station where he has been previously employed, and where, from his knowledge of the people and the Amlah serving under him, his services are likely to be found most useful and efficient.

A legal question may arise, whether our servants, in passing out of the Company's jurisdiction, and coming to this country, will not, *ipso facto*, be placed out of the service; but if the law should, as at present understood, interpose any bar to the arrangement, a short clause in an Act of Parliament, in the next session, would remove the difficulty.

THE MILITARY ESTABLISHMENTS.

THE OFFICERING OF THE NATIVE ARMY.

[Written in 1848.]

RECOLLECTING, as I do, the constitution of our native army some fifty or sixty years ago, and the high state of discipline and efficiency which it notoriously maintained, I cannot understand how the complement of European officers in our native corps can be considered insufficient; unless, indeed, it be assumed that those officers can, without limitation, be detached from their regiments, to be employed on civil and other extra-regimental duties.

Prior to 1796, a Sepoy battalion had only nine European officers attached to it; and at an earlier period, a still smaller number was found to be sufficient, the battalion being usually commanded by a captain, and very rarely having a field-officer at its head.

At present, a Sepoy regiment of 750 or 800 rank and file, has a complement of twenty-four European officers; and a regiment of regular cavalry a complement of twenty officers.

When it was proposed to give an additional captain

to the regiments of Native Infantry, on the ground that there was a deficiency of officers of that particular grade, I reluctantly concurred; but I urged at the same time the expediency of reducing a subaltern in each corps. This would have made the ladder one step shorter; and I have always felt that there was an evil in slow promotion in our Indian Army, since it necessarily engenders discontent. By this suggestion, too, if adopted, the expense of the additional captain would have been considerably reduced.

In considering the proper complement of officers for our native corps, we must not forget that the native officers (the Soubadars in particular) are highly efficient, and can be most usefully employed in maintaining discipline, and in promoting the efficiency of the service.

Indeed, I am inclined to doubt whether the multiplication of young European officers may not, in some respects, have had a prejudicial tendency.

Inexperienced as they are for some time, and ignorant of the native languages, their interposition is sometimes galling to the veteran Soubadar of forty or fifty years' standing in the service, who has been present in many a well-fought field, and who cannot understand the fitness of unfledged youngsters for military command.

Moreover, the multiplication of numbers renders the Europeans independent of native society. They congregate in their messes and clubs, write for newspapers, and are absorbed in pursuits strictly and ex-

clusively *of a European character*. Too many of them marry at an early age; and this becomes another cause of alienation from their native associates.

Formerly the Soubadar paid his respects regularly to his commanding officer, attended often at his breakfast-table, and gave an account of everything which was passing in the regiment; so that the commanding officer became familiar with the character and conduct of every Sepoy under his command. He was enabled often to do them little services; and he obtained an influence, the effect of personal attachment, which rendered the exercise of authority easy.

Our military, too, secluded as they were from European society, and mixing more with the natives, acquired the colloquial dialects; and some of our best linguists of that day were found among our Sepoy officers. Just now, some of them, no doubt, go through a formal examination in the native languages to qualify for staff situations; but the knowledge they acquire is generally from books, and not from men.

But I may be told that some of our native regiments have not half their complement of officers serving with the corps. This is very true; and I remember that the 2nd Bengal Grenadiers took the field lately, and marched to Kote-Kangra under the command of the *fourth lieutenant*, not a single captain, or field officer, being present with the corps. This is doubtless an evil; but the evil arises in gene-

ral from an undue proportion of officers being detached on civil and other employment, notwithstanding the repeated orders of the Court of Directors to limit the number of officers to be so employed.

The practice of detaching a great number of the military, on civil and other duties, *extra-regimental*, is attended with inconvenience in two respects. The officers so detached acquire habits which indispose them to return to regimental duties; and I apprehend that an indifferent regimental officer is not likely to become a very efficient commander in the higher grades of the army.

Then, again, the officers who are left behind to do the drudgery of the regiment, feel that they have an undue share of duty imposed upon them; and they become discontented, not only upon this ground, but because they fancy that their equals, or their inferiors, have been preferred before them solely because they had more interest at head-quarters.

But the immediate question is, whether the cavalry should have an additional captain assigned to each regiment, on the same grounds on which a sixth captain was given to the infantry.

I do believe that in the field, and perhaps even in cantonments, the cavalry officer has generally harder work than the officer of infantry; for he has horses to attend to, as well as men. The promotion in the Bengal cavalry has also been very slow; and the proportion of officers detached on civil duties is not usually so great as in the infantry.

But, on the other hand, our ten regular regiments

supply, with few exceptions, the officers required for the eighteen regiments of Irregular Cavalry; and if our cavalry officers are less frequently detached, the complaint of a deficiency of officers for regimental duty can scarcely be urged.

The slowness of promotion in Bengal may in part, perhaps, proceed from the more expensive habits of the cavalry, which prevent the early retirement of the officers in this branch of the service; but the disadvantage would scarcely be removed by adding another captain to the strength of the regiment.

Upon the whole, I cannot see sufficient ground for granting this addition; although I would not have objected to it (nor would I now), if a subaltern had been struck off from every native corps on our establishment. This would be attended with a saving of expense, without injury to the army.

I am willing to hope that the number of irregular corps of cavalry may gradually be reduced; and at an early period. These corps are composed, I believe, of excellent materials; and they are very efficient and serviceable in the field;—but in the present state of our political relations, their services would not seem likely to be required. Still, this warlike soldiery cannot suddenly be discharged, without the risk of public inconvenience and disorder.

In the present condition of our finances, it is clear that some large reductions must be made in the public expenditure; for we cannot augment our revenue; and we must look to effect reductions in those quarters where our establishments have been

largely increased in consequence of the existence of a state of war. The heavy burthen which the acquisition of Scinde has entailed upon us, has contributed mainly to the derangement of our finances; and I own that I do not yet perceive in that quarter any decided appearance of early amelioration.

SALE OF COMMISSIONS.*

This boon was once rejected by the Company's officers; but I believe their sentiments are now changed, and that the great body of the service would accept it with eagerness at this moment.† In fact, it would confer upon the whole army a *transferable property*, which they do not now possess,

* From a paper without date, written many years ago, containing suggestions for the improvement of the Indian Army. Many of these suggestions have been carried out since the paper was written. The question of the sale of commissions in the Indian Army, and the amalgamation of the Queen's and Company's armies, having been recently considered, two extracts from the document are inserted.

† The ensigncy would always be obtained, as at present, without purchase. The other commissions might be valued as follows:

Lieutenantcy . . .	£500, or	4,000 rupees.
Company	£2,000 „	16,000 „
Difference . . .		12,000
Majority	£4,000, or	32,000 „
Difference . . .		16,000
Lieutenant-Colonelcy .	£5,000, or	40,000 „
Difference . . .		8,000

I have valued the commissions higher than in the King's service, because they are really more valuable perhaps; because money is more easily obtained in India for purchases; because it is desirable that there should be one uniform price, which is not likely to be evaded; and because it is desirable to relieve the retired list by encouraging sales.

I have made a greater difference between the value of a company and a majority, and that of a majority and lieutenant-colonelcy, because the majority is a most important step as securing the benefit of the King's brevet, and because the sum of 5000*l.* is more than equal to the value of the annuity to which a lieutenant-colonel would be entitled on the retired list.—H. St.G. T.

without expense to the Government, or to any other party; and the means of realising this property would be of the utmost importance to those junior officers in particular, who are sometimes compelled to resign the service, from ill health and other causes, before they have acquired the right to retire on a pension. An officer who has not served for ten years in India cannot even obtain a furlough; and when called to England by urgent considerations, he must either disregard these considerations, or resign the service, and with it his profession probably, and the hopes of his future life. The effect of allowing the sale of commissions would be, to accelerate promotion throughout the army—to relieve gradually the retired list, which has already entailed an enormous expense on the Company—and, by a quicker succession of officers, to weaken local habits and local interests.

Supersessions would, no doubt, occasionally take place; but the promotion of an officer could scarcely in any instance be retarded by a junior officer purchasing above him. He might not move forward, but he would never be thrown back, or be deprived of a step, except, perhaps, in the instance of a death-bed sale, which is sometimes allowed as an indulgence in his Majesty's service. But the general effect of allowing the purchase and sale of commissions must certainly be to accelerate promotion, and to prevent that stagnation which is always the fruitful source of ill-humor and discontent.

EXCHANGES BETWEEN KING'S AND COMPANY'S OFFICERS.*

This is a measure less free from objection, and of more questionable policy, than the preceding; but it might be applied to the artillery and the European regiments, and as far as it went it would tend to weaken local habits, local attachments, and local interests, and to take away from the Indian Army its provincial character.

It would also tend, in some degree, to relieve the retired list; for although it would be proper to allow King's officers, exchanging into the Company's service, the benefit of that list, by taking into the account of their twenty-two years' service the period in which they may have served *in India* in a King's regiment, yet in general they would not come so soon upon the retired list as the Company's officers with whom they may have exchanged would probably have done.

These exchanges, moreover, would be of the utmost advantage to officers in the Company's service, whose constitutions may have been so far impaired as to prevent their continuing to serve in a hot climate.

I am not quite sure that the exchanges between officers of the native corps and officers of the King's regiments who have actually served in India, might

* From the same paper as the preceding.

not be permitted with safety, under some such restriction as the following, viz.:

A King's officer who shall have served three years in India, with an ensign, cornet, or lieutenant.

Ditto, ten years, with a captain.

Ditto, fifteen years, with a major.

Ditto, twenty years, with a lieutenant-colonel.

CORPORAL PUNISHMENT IN THE NATIVE ARMY.*

In a paper of notes prepared for Lord Ellenborough† I ventured to suggest that corporal punishments should be so far re-established (in the native army) as to be made the concomitant of dismissal from the service. The high-bred Sepoy will never incur it, nor ever deserve it; and his pride will rather be gratified that he should not be associated with men who have deserved it. To the native officers, who have lost much of their influence and authority, it will, I have reason to believe, be highly satisfactory; and it will check a practice, which has become not uncommon among the men, of throwing up the service upon very trifling occasion, where they happen to be discontented with their officers. Had the dread of corporal punishment been present to the minds of the Sepoys at Aseerghur and Secunderabad, I am disposed to doubt whether the mutiny, or resistance to their officers, would have taken place.

* From a letter to Sir Robert Peel, written in 1842.

† *Post*, page 204. Corporal punishment was re-introduced by Lord Hardinge.

Had the officers and the men been placed on the same footing, I am equally disposed to doubt whether the resistance would have been made. The officers would only have had to explain to them "we are all sufferers alike, and, as soldiers, we must submit and obey." When the "double full batta" was abolished in Bengal, and the full batta at Bombay, I do not recollect that any complaint was made by the troops; and why?—the officers were the great sufferers.

The mutiny of the 15th Bengal Native Infantry, in 1797 (I think), originated in their having been called upon, without sufficient preparation, to embark on board-ship (at that time a novelty); that they were put down after a slight struggle, by a regiment of their own countrymen.

The quasi mutiny at Barrackpore, in 1824, was one of the most unfortunate occurrences in our military history—one which I have always deplored. The regiment could not move without the means of conveyance for its baggage, which had not been provided; and they were cut to pieces by a battery of artillery, when fair words might have brought them to reason.

In the Madras mutiny, in 1809, the Sepoys only followed their officers, and sacrificed their lives in a cause in which they had no interest whatever. And who were punished for this daring act of rebellion? Not the officers certainly. The only sufferer was Sir George Barlow, who put down the mutiny by an act of extraordinary vigor.

I allude to these occurrences for the purpose of

extenuating the offence of the native troops on the late unhappy occasion; for although they may be misled, they are easily guided by reason in the garb of kindness. And how are we to punish in cold blood the large body of men who are reported to have been sent off from Secunderabad as prisoners, for the purpose of being subjected to trial, and eventual punishment for their late passive resistance? I cannot even conjecture how it is proposed to deal with them. There are no men more patient in submitting to privations than the Bengal Sepoys. Of the Madras troops I cannot speak with the same confidence. In the Mahratta war of 1803 and 1804, their pay was seven months in arrear, and in some instances, if I recollect, as far as thirteen months, and they were exposed to the greatest hardship; but not a complaint was, I believe, heard.

The duty of providing for the payment of these arrears, exceeding a million, devolved upon me in 1805; and I was obliged to give a preference to the irregular corps, which had become worse than useless, and which could not otherwise be disbanded. Both officers and men displayed the best spirit; and the former, I have heard, were compelled in some instances to dispose of their little articles of plate to supply their immediate wants, and to assist their men.

With such instances of patient endurance and loyalty to the service, their errors ought to be regarded with clemency, and we ought to be more solicitous to prevent than to punish them.

CORPORAL PUNISHMENT IN THE NATIVE ARMY.*

This subject may appear to be beyond my province, and not at all connected with the other objects adverted to. It is one of extreme delicacy and difficulty; but it is one of deep interest. I have had communication with many of our officers, and I heard from them but one opinion as to the singular indiscretion which characterised the measure, and its injurious effects, both with reference to the feelings of the European soldiery, and the discipline of the native troops. One officer, in particular, observed to me that he had commanded a regiment of Sepoys for sixteen years; that he had never previously had any trouble in managing the men; that he rarely had occasion to inflict corporal punishment, and still more rarely to inflict it in a way to entail disgrace; but that, after the promulgation of the order of Lord W. Bentinck, he could no longer preserve the discipline of the corps; that he was unable to support the native officers, who were set at defiance by the men; while a general notion prevailed among them that they had only to relinquish the service whenever it became disagreeable to them.

The motive for this order was, no doubt, to raise the character of the Sepoy, and to enable us to recruit the native army with men of a higher tone of character; and it may be freely admitted that the Bengal Sepoy seldom becomes the proper object of

* Written in 1841. This is extracted from the paper referred to in the foregoing.

corporal punishment, and that he is never made a better soldier by it.

At a former and somewhat remote period, the petty landholders were anxious to place one or more of their sons, or relatives, in a Sepoy corps, in order to obtain a friend and patron in the commanding officer, through whose intercession and influence they expected to obtain justice and favor from the collectors, and other public officers, before whom they might have occasion to bring their complaints of grievances; but after the establishment of regular courts of justice, and the assessment of the lands in perpetuity, a different order of things took place, and our ranks were no longer recruited to the same extent from the same motives, and from the same source.

Whether it would now be prudent or safe to re-establish corporal punishment in our native army, it would be presumptuous in me to pronounce; but I lately declared to one of our functionaries that I was quite prepared to take my full share of responsibility if the proposition were brought forward.

The course which I should be disposed to suggest would be, to identify the infliction of corporal punishment with dismissal from the service; that is, to retain no man in the ranks after he shall have incurred this penalty, making him liable to it, however, under martial law. Colonel Skinner, an experienced officer, has established this usage in his corps; and it is quite notorious that a finer body of men, more orderly, and of more gallant bearing, is not to be found in our native army.

THE REVENUES AND RESOURCES OF INDIA.

SYSTEMS OF LAND REVENUE.*

It is assumed by some writers that the Sovereign, or Government, is the universal proprietor of the land. This was the doctrine of Sir T. Munro, whose experience had been acquired in districts from which Tippoo Sultan had driven away and exterminated the proprietors, and where no vestiges remained of private rights, in consequence of his extortion and oppression. His (Tippoo's) object was to engross both the *rents* and revenues of the country; and Sir T. Munro followed up the same system, as I think to the impoverishment of the country, the people, and the Government itself.

What is to be understood by the words "Sovereign," or "Government?" The former term has been said to describe the first successful soldier—the latter imports an administrative body, differently constituted at different times, in different countries, under different circumstances, but constituted for the purpose of protecting the community, and superintending and regulating the national af-

* From a private letter written in 1845. It takes a brief comprehensive survey of the different systems of Indian land revenue, and paves the way towards a right understanding of the subsequent more detailed reflections.

fairs and interests. For this purpose it exercises a necessary, and what may almost be termed an *inherent*, right to levy *taxes* for defraying the expenses of administration and of protection; but it requires no property in the soil for these objects, and the property in the land may be said to have belonged to him who first occupied and cultivated it. True it is, that in Europe and elsewhere, before the establishment of a regular system of taxation, the Sovereign held large landed possessions, or estates, the *rents* of which were applied to the same purposes as our present land *revenue;* but in modern times a marked distinction has been established between *rent* and *revenue*. So, too, in India, the Sovereign, both Hindoo and Mussulman, claimed a right to participate in the produce of every *beega* of land, and in *theory*, the proportion was usually calculated at one-sixth; but under a necessitous or rapacious Government no such rule was practically observed, and the Sovereign, or his instruments, extorted as much as the country would yield, or the people could pay.

But we then come to the *system* of administering the land revenue in India, which has varied greatly at different times. It was usually committed to the management of Aumils (administrators), who were empowered to collect the public dues, and who generally collected as much more as they could for themselves.

Large districts were sometimes let out to farmers (the French *fermiers généreux*), who extracted as much as they could from the country, and often

oppressed it grievously; but neither Aumils nor farmers could rightfully dispossess the Talookdars—village Zemindars—Mokuddums—Khode Khoost Ryots, and other classes, who were acknowledged to have a beneficial interest in the soil, as well as the right of occupancy. And, moreover, even the native Governments not only recognised a permanency of tenure, but they also—in theory at least—professed to establish uniform rates of assessment; the Aumils and farmers engaging to collect according to established usage (dustoor ool Moolk), and the Pergunnah rates (or Nerikh), as recorded by the Canoongos and Putwarris. When Lord Cornwallis arrived in India, in 1786, he found the country impoverished, and the people wretched, under short settlements generally concluded with farmers for five years; and after a long and elaborate discussion with Sir John Shore and others, he determined to establish a system of revenue administration founded upon the recognition of private rights in the land, and the introduction of the principle of *permanency*.

He accordingly proclaimed to the people that the Zemindars and others would be treated with as the *proprietors* of *the soil*, the Government reserving to itself only its acknowledged right to receive a portion of the produce of each "beezah" of land, or, in other words, *the right of taxation*.

2ndly. He established courts of justice, independent of the Government, for the protection of these and all other private rights.

3rdly. He resolved to fix the assessment upon the

land in *perpetuity*, in order to stimulate industry by giving the landholders an interest in the success of their own exertions—to augment the general produce—and to encourage the accumulation of capital, by which alone extensive works could be undertaken for the improvement of the country—(tanks, wells, water-courses, roads, &c., &c.).

Then arises the question, whether fluctuating, permanent, or long settlements, were to be preferred. The first had been tried, and had egregiously failed, it having been found that, the year before the expiration of the lease, the farmers and others invariably extorted the last rupee, by forcing the sale of the cattle, implements of husbandry, &c., of the helpless Ryot, so as to annihilate the little capital by which the lands were cultivated; and this was done, not merely to extract as much as possible from the under-tenant, but also to reduce the land to such a state of desolation, as to discourage competition for it, and thus to obtain a renewal of the lease on their own terms.

Long leases are certainly much less objectionable, and they possess one great advantage in enabling both parties, the Government and the lessee, to accommodate their next contracts with due regard to the changes which may take place in the value of the precious metals, or by the introduction of new and more valuable articles of cultivation.

I, accordingly (in 1827), was a party to the introduction of leases for thirty years in the Western Provinces, by way of compromise for violating the

pledge which had been given to the landholders in 1803 and 1805 to confirm the settlement, then made with them, in *perpetuity*.

I trust that this long term will operate as some compensation for their disappointment, and that it will, in a great degree, answer the ends proposed by a permanent settlement; but as a principle, I still maintain, that permanency of tenure, and a limitation of the public demand upon the land, were boons bestowed under the dictates of a just and enlightened policy, and that Lord Cornwallis is to be regarded as the greatest benefactor of India.

THE PERMANENT SETTLEMENT OF BENGAL.*

That great measure has become the object of perpetual attack and misrepresentation. Men, who are not even acquainted with its principles, and who are evidently ignorant of the manner in which its details were conducted, have come forward to arraign and condemn it. Let those persons peruse the correspondence and minutes of the Government and of the Board of Revenue at Calcutta, between the years 1788 and 1791; and they will be convinced, I think, that the permanent settlement of Bengal was not concluded in a state of darkness and ignorance—that some of the ablest men whom our service has produced, were employed in discussing its principles and arranging its details—and that in several dis-

* From the introduction to a paper, written in 1832, on the settlement of the Ceded and Conquered (now known as the North-Western) Provinces.

tricts the engagements were taken from the lowest class of landholders. A passage in Mr. Chaplin's report, quoted with commendation by the Court of Directors, describes the very manner in which our Bengal collectors proceeded in obtaining the necessary materials for assessing the lands. They took what is technically called the "Hust-o-bood;" that is, they ascertained, in many instances by minute and careful examination, the present and past assets; and from these they deduced the future resources of the estate. Not with mathematical certainty, because the unknown quantity was liable to be affected by many contingencies; such as, the introduction of more valuable products, the improvement of agriculture, the fluctuation of prices by reason of the abundance or scarcity of the precious metals, &c., &c. These could scarcely be estimated; but if the permanent settlement deprived the Government of all participation in future and contingent improvement, it opened the door to that improvement, which might not otherwise have taken place. Other parties have benefited by it directly, and the Government itself indirectly, by the advance of agriculture and commerce, and by the augmentation of the capital of the country. With me it is matter of doubt whether the indigo manufacture, upon which our means of remitting the tribute from India now mainly depends, would ever have attained its present magnitude, if, intent only upon the present, and regardless of the future, we had continued to raise the assessment on every new article of production which promised to yield a higher rent.

INITIAL MEASURES FOR THE SETTLEMENT OF THE CEDED AND CONQUERED PROVINCES.*

In 1803, during the administration of Marquis Wellesley, a Regulation was passed (XXV. of that year), declaring, that a permanent settlement of the ceded provinces would be concluded at the end of ten years, for such lands as should be in a sufficiently improved state of cultivation; and further proclaiming the "proprietary rights of all Zemindars, Talookdars, and other descriptions of landholders possessing a right of property in the lands, composing their zemindarries, talooks, or other tenures, *to be confirmed and established under the authority of the British Government*, in conformity to the laws and usages of the country, and to the regulations which have been, or shall be hereafter enacted by the Governor-General in Council."

It was also provided by the same Regulation, that those Zemindars who might decline to enter into engagements for their lands, should be allowed "Nankar" not exceeding ten per cent. on the jumma of their estates.

In 1805, a Regulation (IX. of that year) was passed by the same Government in nearly corresponding terms; declaring that a permanent settlement would be concluded with the Zemindars and other landholders in the conquered provinces, at the expiration of the decennial leases.

* From the same paper as the preceding passages. These three extracts set forth, briefly and succinctly, the historical circumstances of the Indian land-tax, and form a fitting introduction to the succeeding papers, which are of a more disquisitional kind.

But in 1807, the Supreme Government being anxious to extend to the landowners of our newly acquired territory those advantages which had been conferred on the Zemindars of the lower provinces, by fixing the land-tax in perpetuity, Regulation X. of that year was enacted, appointing commissioners for superintending the settlement of the Ceded and Conquered Provinces; and notifying "to the Zemindars and other actual proprietors of land in those provinces, that the Jumma which may be assessed on their estates in the last year of the settlement immediately ensuing the present settlement, shall remain *fixed for ever*, in case the Zemindars shall now be willing to engage for the payment of the public revenue on those terms in perpetuity, and the arrangement shall receive the sanction of the Honorable the Court of Directors."*

The arrangement for *anticipating* the permanent settlement was made subject to the approval of the home authorities; but no reservation of the kind was made in the regulations of 1803 and 1805 for concluding that settlement at the expiration of the decennial leases.

Far from objecting to the pledge given to the landholders in those regulations—far from contending against the principle of a fixed assessment, either on the ground of policy or of justice, the Court expressed their approbation of the measure contemplated, and gave it their unreserved sanction. To as late a period as 1813 not even a doubt was expressed in the

* See sec. 5, Reg. X. of 1807.

way of discouragement; and the Government of India had every reason to presume that they were proceeding in this great work with the full concurrence and approbation of the controlling authorities in this country. I will not quote from the despatches to the Supreme Government on this subject; because my colleague, Mr. Edmonstone, in his able and instructive letters to the Court of the 31st July, 1821, has shown most conclusively that the plans and proceedings of the Government abroad received an ample confirmation.

Unhappily, as I think, different views were adopted at a subsequent period; and since 1813* the whole tenor of the Court's correspondence with the Supreme Government has not only discountenanced the idea of a permanent settlement of the lands in the Ceded and Conquered Provinces, but peremptory injunctions have been issued to that Government, prohibiting the formation of such a settlement, *at any future period.* The pledge so formally given to the landholders in 1803, and 1805 and 1807, has accordingly remained unredeemed to the present day—temporary settlements have been concluded in various ways with different classes of persons—some of the principal Talookdars have been set aside, and deprived of the management of their estates—and the great object seems to have been to introduce the system of revenue administration which obtains in the territory of Fort St. George.

* See Court's Letter to Bengal of the 16th of March, 1813.

EXTENSION OF THE PERMANENT SETTLEMENT.*

The objections urged against the extension of the permanent settlement are:

1st. Want of materials for forming a permanent settlement.

To these objections I briefly reply:

If we have not collected sufficient materials after an experience of twenty years, during which minute surveys have been undertaken and laborious investigations have been made, we are never likely to command such materials.

But I am content to leave this *question of fact* to be decided by the local Government, and to make the order for the formation of a permanent settlement conditional, and dependent upon the fact of our materials being sufficient in the opinion of the local authorities.

2nd. The fear of under-assessment.

There can be no ground to fear *under*-assessment. Our collectors are too prone to exact the uttermost farthing, because their credit depends upon the amount of their collections. Our lightest assessment is, perhaps, too heavy. A certain degree of equality is, no doubt, desirable; but it is not essential, nor perhaps practicable.

3rd. The fear of over-assessment.

I am much more afraid of over-assessment; but

* This paper is without date. It was perused by Mr. Edmonstone, whose marginal notes show how entirely he concurred in the opinions expressed.

all we can do is to enjoin the greatest caution and moderation, and to discountenance all large and sudden augmentations in the Jumma.

4th. Our ignorance of the rights of the land-holders.

I admit that it is highly desirable, although it is not absolutely necessary, to ascertain the rights of the parties with whom the settlement is to be formed, prior to its formation; but if we cannot decide this question after twenty years' possession and experience, when shall we be prepared to decide it? But, in reality, we may fix the assessment without determining immediately what party shall benefit by the limitation of our demand. The one act is not necessarily dependent upon the other, however desirable it may be that they should be contemporaneous. We can form the settlement with the same parties whom we found in possession, and with whom we now engage under temporary settlements, making a general reservation in favor of all other parties who may hereafter establish a better claim. In fact, it should be our object to disturb the existing state of things as little as possible.

But a difficulty founded upon private rights can scarcely be urged by those who contend for the right of Government to demand "*rent*" from the whole territory. This sweeping assumption of the right of property in the land, is a virtual annihilation of all private rights; for I will not permit the right to perform a daily task-work to be any right at all.

We must create property, before we talk of rights; and property in land can never be created under any system which is founded upon the assumption of the Government being the universal landlord.

5th. The difficulty of determining with whom to form the settlement.

This objection has been partly replied to above. I object to the term "middle-men," both as being inapplicable to our Zemindars, and as tending to associate our Bengal system under the permanent settlement with the system prevailing in Ireland.

I would form the settlement with Zemindars, Talookdars, Maliks, or others, where such be found to exist, making a reservation in favor of the rights of all other parties. Where these landholders be not found to exist, I would form the settlement by villages, either with the village community or corporation, where such be the usage, or with the village Zemindar, Potail, or Head Ryot, according to the circumstances which might be found to give a claim to preference in the particular district. The designation of the party is of little moment.

In all cases, I should be disposed to assess by villages, without attempting to apportion the Jumma on each particular Beega.

Although it be desirable, I think, to assess the land by villages, I shall be glad to see larger estates grow up. I perceive no advantage, either to the parties themselves or to the State, by constituting, or attempting to constitute, the laboring peasantry

proprietors of the land, or forty-shilling freeholders; and, at all events, I am satisfied that a Zemindar or Talookdar is a less objectionable "middle-man" than a Tehsildar or Aumil. The one has an interest in protecting and assisting the peasant—the other seldom has any fellow-feeling with him. The Ryot can complain against the Zemindar—against the Tehsildar he dare not; especially under our present system, which arms the revenue-officer with judicial power.

6th. The uncertainty whether a money-rent or a determinate proportion of produce is intended to be taken.

A money-rent is decidedly to be preferred, I think, and is certainly intended by the Government of Bombay. We might fix the Government proportion of the produce, but this would be the proportion of a varying quantity, fluctuating also in value; and this mode of assessment would be productive of endless frauds and disputes.

7th. The necessity of providing against a change in the value of the precious metals.

A great change in the value of the precious metals may, no doubt, take place by the production of a greater quantity from the mines. Science, skill, capital, and the powers of machinery may effect much; but the powers of absorption may be commensurate with the powers of production, and I am disposed to think (upon grounds which it is not necessary to explain in detail) that such is likely to be the case

in India. I see no reason to apprehend our being overstocked with the precious metals; and if we are to be stopped by the fear of remote and improbable contingencies, there is scarcely any projected improvement which may not be objected to. Moreover, let it be remembered that we are a Government *debtor* as well as a Government *creditor*, and that it is only upon the balance of the account that we should suffer in consequence of a depreciation in the value of the precious metals. If we receive less under our contract with the landholders, so, on the other hand, we should pay less in intrinsic value to the public creditors. In both instances, the engagement is to receive and to pay the Sicca rupee, or a given number of grains of fine silver; and we could only lose upon the difference between the *fixed* revenue and *fixed* charge.

ZEMINDARRY RIGHTS.*

There is no person more anxious than myself to protect the interests of the agricultural population of India; but in upholding the rights of the Ryot, real or supposed, we must not overlook the rights of others; nor must we proceed upon mere abstract considerations, without consulting the wishes and interests of those whose cause we undertake to advocate.

* From an elaborate paper on the Settlement of the North-Western Provinces, written in 1832.

The right to occupy and cultivate the land, which is so much insisted upon in favor of the Ryot, may be of no value in itself. It may be, and it *often has been, a burdensome obligation;* and those who contend for anything further are bound to show that some real and more valuable privilege was actually enjoyed by the peasantry of India. The word "*Ryot,*" as I have elsewhere observed, is a generic term; and it comprehends the mere husbandman, who labors for wages, up to the petty landholder. The Khode-kasht chuppurbund—or domiciled Ryot, is a favored yeoman, whom it was the interest of the Zemindar to encourage and retain upon his estate, by allowing him to hold small parcels of land upon favorable terms, and who was not often disturbed in his possession. This, I presume, is the party pointed at in our correspondence, under the designation of "hereditary cultivator," and I have no objection to the designation. But I cannot possibly assent to the proposition of the Court—that all beyond the dues of Government belongs to this person:—on the contrary, I maintain that there are parties in the Ceded and Conquered Provinces, possessing a beneficial interest in the land—whose rights are susceptible of much more direct proof than those arbitrarily assigned to the Ryot—and who cannot be reduced to the condition of mere pensioners without signal injustice.

One of our most experienced revenue servants—who held the office of collector in the Ceded and

Conquered Provinces for a period of about fifteen years, with great credit to himself and with great advantage to the public—writes to me in these terms in a very late letter: "I have never been able to discover the right of the Ryot himself: the Zemindars that I have met with have generally possessed title-deeds for their tenures, and when those should have been wanting, there would be the prescriptive right arising from long possession." He again observes: "In the Ceded and Conquered Provinces, it is my opinion that the Zemindars generally possess a substantial lien on the land; there is the prescriptive right arising from long possession, and frequently title-deeds are forthcoming, in support of their several tenures, *which no one disputes*, and which, of course, could not be set aside without a regular judicial investigation. The Zemindars, in short, have long ceased to be (if ever they were) stipendiary officers, or agents of Government; and as for the Ryots, in many instances, they would not think of separating from those to whom they have been subservient from time immemorial. I do not mean to say that one uniform system obtains throughout the country; for in Bundelkund the Bhyacharà tenure is to be found; and of course in other parts a greater diversity of custom may exist."

Here we have experience opposed to theory—actual observation on the spot contradicting an hypothesis framed at a distance. But does it follow that the Ryots are not to be protected in the enjoy-

ment of everything which they can justly claim under usage, or otherwise? Far from it—the population of India is almost entirely agricultural; and the people have now scarcely any resource, except in the culture of the land. The peasantry should undoubtedly be supported and encouraged by all just and proper means by a Government which is solicitous to promote the welfare of its subjects. The Mahomedan Government was by no means insensible of this duty, for its *sunnuds*, and *perwannas* to the Zemindars, and to its revenue functionaries, very generally contain an injunction to "*foster and protect the Ryot.*"

But I contend that for this purpose it is not necessary to separate him from his ancient hereditary landlord; and that his condition is not improved by placing him immediately under a stipendiary officer, nor by calling him a joint tenant or co-proprietor with the Government. This language, although not so intended, is a mockery of his condition.

The Talookdars and Zemindars of the Doaub are not the mere creatures of imagination. I have seen them and communicated with them, and found some of them prosperous, and all well satisfied with our assurances, and apparently well affected to our Government. We may call them *middle-men*, and *contractors*, if we wish to degrade them by odious associations; but they are *the hereditary gentry of the country*. The *Aumil*, or manager, was more properly a *contractor* for the revenue; but this officer, when his agency was resorted to, was co-existent with the

Zemindar, and did not necessarily supersede the latter or supply his place.

I do not argue in favor of the sudden creation of a landed aristocracy; but I would not destroy it where it is found to exist; and even where it does not yet exist, I would allow it to take root and spring up, as it naturally will do under the influence of laws which protect property and encourage industry. We must, at all events, be prepared to tolerate a class of persons in India above the condition of the laboring Ryot; for if, after giving the people new ideas, new views, and new desires, by means of education and the Press, we withhold everything calculated to gratify those new feelings, they will not be long in examining much too closely our situation and their own.

The *Mootahdar* of Madras, whose fate is so frequently alluded to as supplying an argument against the recognition of our Bengal Zemindars, was a new creation. The plant was not indigenous; it was forced forward much too rapidly; and on the first exposure it withered and failed. But the Talookdars and Zemindars of the Doaub are, I believe, the growth of ages; and both Jaats, Goojurs, and other Hindoos have been maintained in their possessions, although in the immediate neighbourhood of the principal seat of the Mahomedan Government.

Their peasantry have long stood in the relation towards them of tenant and landlord—the Ryots know little of our Government—they see it only in our native servants, who appear always in the unpopular

character of tax-gatherers. It is in vain that we would impress them with notions of our benevolence and consideration towards them, when we begin by vexatious scrutinies, and end by exacting the utmost which the land can yield in the shape of rent. The way to conciliate them, or to improve their condition, is not, I think, by dissolving the connexion between them and the superior Talookdars, or village Zemindars. The one we have, I fear, entirely displaced; but we cannot destroy the memory of their past, or the consciousness of their present state. They were once prosperous; and they and their descendants must feel that they are no longer so. They are silent; because the natives of India are accustomed to endure and to submit to the will of their rulers; but, if an enemy appear on our western frontier, or if an insurrection, unhappily, take place, we shall find these Talookdars, I apprehend, in the adverse ranks, and their Ryots and retainers ranged under the same standard.

Views of policy cannot be admitted to determine a question of right; but it is fortunate when these views come in aid of the claims of justice. The Talookdars and Zemindars of the western provinces are recognised by the regulations of 1803 and 1805, as the parties with whom a settlement of the land revenue shall be concluded; and the local Government superadded *spontaneously* another promise, that the public demand should *be fixed in perpetuity* on the expiration of the decennial leases. In setting aside the hereditary landholders, we break

through the usage of the country—disregard the claims of possession—depart from our engagement—and contravene laws which bear the sanction of the British Legislature. I may add, that we have not even consulted the interests of the revenue. With the exception of the district of Goruckpore, the cultivation of the country had sufficiently advanced fifteen years ago, to admit very generally of our fixing the assessment on favorable terms. The land revenue in the western provinces seems, indeed, to have reached its maximum; and there is great reason to apprehend that it will henceforward decline.

TENANT RIGHTS.*

By a "Ryotwar Settlement" I understand a settlement to be concluded with the immediate cultivators of the soil, to the exclusion of all Zemindars, Talookdars, and others, who of late years have been designated "middle men," and have been denounced as such.

It is unquestionable that we found in many parts of our territory, under various designations, a class of persons intermediate between Government and the cultivator, and enjoying from father to son a beneficial interest in the land. Whether these parties were landholders or public officers, it is not my purpose to inquire; but to set them aside without any indemnification, and to deprive them of that

* From a long and elaborate paper on the Settlement of the Broach Pergunnahs, written in 1827.

which they have enjoyed for generations, would, in my opinion, be as unjust as to disregard the real or supposed rights of the "hereditary cultivators."

If it be intended to grant them an indemnification in the shape of an annual pension (Nankar), the Government will incur the charge of double agency, and will, I apprehend, substitute an agency of a more objectionable character. The European collector cannot realise the rents or revenues from the numerous cultivators of the soil; and Tehsildars, or native collectors, must therefore be employed under him. For the Zemindar, or Talookdar, then, who is connected with the land, and with whom the people have been long associated, we substitute a stranger, who is bound to them by no common tie, who has no permanent interest in the land, and whose object in general will be to make the most of a situation which he holds under a very precarious tenure.

I object decidedly to this change of agency, both on grounds of justice and of policy; and in setting aside the Zemindars, Talookdars, and others, *where such functionaries are found to exist*, I contend that we innovate upon the native institutions instead of upholding them.

The term "Ryot" is very indefinite. There are Ryots who may justly be esteemed petty landholders; there are others who are tenants with a right of perpetual occupancy; others, again, who are not domiciled on the land (the Payeen Kasht Ryot), who are moveable, sometimes cultivating in

one village and sometimes in another, and who may be regarded as contractors for carrying on the cultivation; and lastly, there are Ryots who are mere laborers for hire, who possess neither cattle, nor plough, nor stock of any kind, and who are supplied even with the seed grain, receiving the wages of labor usually in kind.

To class these several parties together, is to confound all distinctions, and to apply to them all, indiscriminately, the term "hereditary cultivators," by way of denoting those who are to be specially favored and preferred, is to deal with words without much regard to circumstances and things.

With the first class (whether bearing the designation of Meerassydar, Malik, or otherwise) I shall be glad to see the settlement concluded; although I am not one of those who consider the minute subdivision of landed property desirable or beneficial in any country.

The rights of the tenantry who claim under prescriptive usage, or otherwise, the perpetual occupancy of the soil, ought also to be carefully maintained; and in forming the settlement, it would be wise and proper, I think, to require the landholder *to fix his rent*, and to make it bear a just and determinate proportion to the Government *revenue* assessed on the land. In forming the Permanent Settlement in Bengal, it was certainly intended to secure the under-tenants against any arbitrary increase of rent; but the provisions made for this purpose were not sufficient, and have not, I admit,

been found to answer completely the end proposed. We have now, however, acquired more experience; and I apprehend no difficulty in introducing into our future settlements such conditions and provisions as will effectually guard the rights of the under-tenants against the encroachments of the landholders.

With respect to the other classes of Ryots, who have no fixed tenure or interest in the land, I should say that the intervention of Government between them and the landholder is by no means necessary, or likely to be useful. The parties should be left to form their own arrangements; and, if personal freedom be guaranteed to the Ryot, the landholder can seldom find his account in continuing towards him a course of oppressive conduct.

But does the "Ryotwar" system, which in theory elevates the cultivator to the condition of a tenant holding immediately from the Government, confer upon him the blessing of personal freedom? Can he quit his land, and remove to another district? No; he, in this case, is *pursued as a fugitive*—he is liable to be brought back by an officer invested with judicial powers, and to be dealt with by a summary process. "The desertion of Ryots" was a common theme of complaint in the revenue correspondence in Bengal, prior to the introduction of the permanent settlement; and the evil, I fear, still exists in the territory of Fort St. George. *Why do they desert? Are men prone to abandon that which is of real value?* My great objection to the Ryotwar

system is, that while it takes away from one class that which bears a value, it bestows nothing of value upon any other. If we find none but peasants in the country, this is a lamentable truth; but in this case we must of necessity deal with them. Instead, however, of descanting upon rights which they do not at present enjoy, let us confer a real benefit by limiting our demands upon them. *Property will then spring up*, and with it *rights*, which exist at present only in name. The condition of an "hereditary cultivator" may be one fraught with evil; and I myself have never been able to discover those rights connected with it under the "Ryotwar system," which we are so anxious to secure and perpetuate.

THE "RYOTWAR" SYSTEM.*

Under this system, a good collector may do great justice to the peasantry, by securing to them a comfortable subsistence from the land, and by performing towards them the office of a benevolent and considerate landlord. He may manage the territory in the same manner as an intelligent proprietor would manage his estate; and it is the interest of every proprietor to foster, and protect, and encourage an industrious tenantry.

But the system requires the agency of numerous officers, who are not all considerate, intelligent, and incorruptible. The nature of our European service

* From the same paper as the preceding.

is such as to allow little range for selection; and if the European superintendence be not efficient, the inferior instruments will have the power of doing infinite mischief.

The assessment involves innumerable details, and it must be regulated with reference to the particular species of agricultural produce, varying with the *quantity*, *quality*, and *price* of the article produced.

The system renders personal coercion sometimes necessary, to stimulate labor and prevent migration.

It operates as a check upon industry; since the demand for revenue keeps pace with the produce.

It tends to the suppression of valuable products in some instances; since these may require an outlay of money, or the exertion of a degree of skill and attention which are not likely to be called forth while the Government, in quality of landlord, derives the chief benefit from the more valuable production.

It prevents the growth of capital, and the accumulation of landed property.

By opening the door to frauds on the part of the peasant, and corruption on the part of the public officer, where the superintendence is defective, it has a tendency unfavorable to the morals of the people.

By removing all intermediate classes connected with the land, between the Government and the peasant, it prevents the establishment of that "landed interest," which in other countries constitutes a powerful support of the Government.

It tends to perpetuate a state of poverty throughout the country; and, as the peasant cannot save and hoard up from the produce of abundant seasons wherewithal to supply the deficiency of a bad harvest, it provides no safeguard against the evils of scarcity and famine.

It cannot be concealed or denied, I think, that the object of this system is to obtain for Government the utmost which the land will yield in the shape of "*rent*;" and although a humane collector will connect with this object, as far as possible, the protection and encouragement of the peasantry, can we expect to see the people generally prosperous while our Government act upon the assumption that the vast territory of India is to be held and managed, for their account and benefit, as if it were some legitimately acquired freehold estate?

One argument in favor of variable assessments, and against a permanent settlement, I must not pass over unnoticed. It has been urged that the value of the precious metals may undergo a great change, in consequence of the American mines becoming more productive; but I must observe that India, from the present state of its manufactures and commerce, is little in a condition to supply itself with any large quantity of gold and silver; while the waste and absorption of these metals in our provinces must always tend to maintain their value. Our currency is almost exclusively metallic: a great waste takes place by the wear of the coin in circulation, as well as during the process of coinage and

re-coining, the rupee being invariably called in whenever it loses more than six-sixteenths per cent. of its weight. The people, too, use habitually a considerable quantity of gold and silver in ornaments for their women and children; and a very great consumption of the article takes place in this way annually. Moreover, let it be remembered that the Company is a Government *debtor*, as well as a Government *creditor;* and that the disadvantage apprehended from the depreciation of the precious metals—even if an excessive importation should ever take place—is likely to be felt only on the difference between the *fixed revenue* and the *fixed charge.**

VILLAGE SETTLEMENTS.†

Under whatever modifications the settlement may be made, annual assessments will be liable to many of the objections which I have enumerated; but a settlement by villages requires less interference on the part of the public officers—it is less vexatious and oppressive—more congenial, I think, with the habits and feelings of the people—it yields a more certain and equal revenue, and is less expensive in collection.

This mode of settlement has, I believe, been tried with success in some of the Madras districts; and the chief difficulty attending it consists in the selection of a proper representative, or manager, to superintend the concerns of the village community,

* See *ante*, pages 118, 119.'

† From the same paper as the preceding.

and to undertake the responsibility for the public revenue. The manager (whether potail or cultivator) may favor himself, his relatives, and friends; and, in quality of petty farmer, may become the little tyrant of the village; but my limited experience would lead me to say that we too often take a distrustful and unjust view of the character of our native subjects. They are not destitute of a proper sense of right and wrong; and among each other their dealings are regulated by the same feelings which govern us. They do not habitually prey upon each other; although they are often led, from their situation and circumstances, to oppose falsehood and fraud to violence and extortion. At all events, I would rather commit a village to one of its own corporation than to a stranger, in the character of a Government officer; and if there happen to be a Zemindar, or Meerassadar, in the case, there can be no question, I think, that he is the proper party to engage for the public revenue.

Whether the settlement be made for each village, or be concluded for each field, with the individual Ryot or cultivator, a fixed assessment, or long leases, will constitute a real good. This is, no doubt, a great advance towards improvement; but still, if we have no class above the mere yeomanry, the country is never likely to attain any great degree of prosperity—capital will not be generated—wells, reservoirs, watercourses, and other useful works, will not be undertaken upon any large scale—foreign commerce is not likely to be extended—rich con-

sumers will not be found to encourage rare and valuable productions—there will be no gradation in society—no education—no middle class to constitute the elements and instruments of a useful system of judicature—the population may, and probably will, be excessive, and the people may produce food sufficient to sustain existence; but the British Government will have done nothing to raise the people from one common condition of universal poverty.

THE PERMANENT ZEMINDARRY SETTLEMENT.*

Let me repeat that, accustomed as I am to our Bengal system, I have no partiality for *names*. In the term "landholder," I would comprehend all Zemindars, Talookdars, Chowdries, Maliks, Meerassadars, Polygars, Deshmookhs, Deshadekars, as well as Ryots, or "hereditary cultivators," and all others whom we have found in the possession of the land, and in the enjoyment of hereditary rights and privileges. If we happen to find two parties on the same land, I should be disposed to follow the Bengal practice, and to conclude the settlement with the superior, requiring him and the under-tenant to exchange pottahs and kubooliats (leases and engagements) at fixed rates, bearing a due, and, as far as possible, an exact proportion to the Government assessment.

Such settlement might easily be made in a way to secure the just rights of the tenantry. Land con-

* In continuation of the same paper.

stituting the peculium of the Zemindar or Ryot, and held under the authority of long usage or otherwise, either at a low rate, or exempt from assessment, would be continued on the same footing; and every species of tenure, existing under the native institutions, might be respected and preserved.

This settlement with a superior class of landholders is calculated, I think, to encourage industry, to promote the interests of agriculture, the growth of capital, and the extension of commerce—to identify the interests of the governors and the governed, so as to secure the allegiance and attachment of the people; and, finally, to add to the sources of human enjoyment.

The most common objection urged against this system is, that the Government sacrifice the means of making future additions to its revenue, in proportion to the augmented resources of the contribution; and that the peasantry do not participate in the benefit which may be derived from extended production. But, if we find by experience that the resources of the country do not increase under annual and varying assessments, Government can scarcely be said to make any sacrifice; and it cannot fail to benefit, directly or indirectly, by the increase of capital, of production, and consumption, and by everything which contributes to the prosperity of its subjects.

If this universal truth be questioned, let me refer to the ample revenue which we have drawn of late years in Bengal, from salt, opium, customs, abkarry,

stamps, &c.; and although I am aware that the principle and policy of some of those taxes may be questioned, and that the land has for ages been looked to in India (and for obvious reasons) as the main and legitimate source of revenue, I cannot admit that, under a judicious system of administration, we may not reasonably look forward to new objects of taxation, less objectionable than an immoderate and uncertain land-tax.

The under-tenants and peasantry may not benefit in an equal degree with the principal landholder, from the limitation of the public demand; but we cannot attain to absolute perfection by means of any fiscal arrangements, and we must be content to secure the greatest attainable good to the greatest numbers whose situation is susceptible of amelioration.

I cannot admit that the Zemindars, who have an interest in the prosperity of their estates, and in the well-being of their tenantry, are likely to be more oppressive functionaries than the officers of revenue, who have no such interest. The over-zeal of a young and inexperienced collector* (and there are many such, I fear) is supposed to have caused 50,000 beegas of land to be thrown out of cultivation in a single year, in one of the Baroach districts. No Zemindar could have been guilty of such gratuitous folly; for he must have perceived that his own ruin would be the inevitable consequence. I have always

* See the proposition of the collector of Chingleput for the *confiscation* of Meerassy tenures (hereditary property) as a means of compelling the Ryots to cultivate their lands.—H. St.G. T.

felt that the fewer officers we employ in the collection of the revenue, and the less these officers come into immediate contact with the agricultural population, the more ease and comfort will the people enjoy. A prudent and considerate collector may do a good deal of good, I allow; but the object of our intermeddling is in general to obtain money; and our Government so seldom appears in any other than the character of tax-gatherer, that I should not be disposed to put forth unnecessarily the instruments and symbols of this unpopular office.

It may be asked whether, in supporting a particular system, my object is to establish "a principle to be hereafter called into operation throughout the whole of the British territory in India, where a permanent settlement has not already been introduced?"

I do not hesitate to acknowledge that I earnestly desire to see sound and salutary principles prevail in the administration of every part of our Indian territory; and that the orders proposed to be issued for the settlement of the districts of Baroach have not, in my opinion, been framed in the way best calculated to promote the prosperity of those districts. But I have never manifested, at any time, a wish to disturb existing arrangements, and to supersede in the Madras territory, with which I am only very imperfectly acquainted, a system of management which has long been established, and which comes recommended by a gentleman so justly entitled to the highest consideration and respect.

THE SALT-DUTIES.

[Written in 1827.]

In examining this question of the salt-duties, two objects must be held in view: the one, the security of the public revenue; the other, the comfort of the consumer, to whom it is desirable, certainly, that we should furnish an article of primary necessity at a moderate price.

The first of these objects has been attained by the operation of the system which was introduced in Bengal about forty years ago, the revenue from salt at that presidency having been gradually raised from a very insignificant sum, until it now amounts to nearly a million and a half sterling per annum; while the revenue derived from the same article at Fort St. George, where the cost of manufacture is only about one-third of the medium cost in Bengal, does not exceed the sum of twenty-five lacs, or 250,000*l.* per annum.

The difference in the produce of the tax at the two presidencies does not arise, as I have reason to believe, from any great disproportion in the population of the countries which contribute respectively towards this revenue. It arises from a difference in the rates of taxation. At Fort St. George a strict monopoly cannot be maintained at any high prices, because it is scarcely possible to prevent the illicit manufacture

of salt throughout the long line of coast under that presidency; and smuggling would inevitably take place under the temptation of large profits. The same difficulty opposes the establishment of a high tax in our Bengal provinces west of Behar, salt being produced in Malwa, and other countries west of the Jumna, at a low price; and it being impossible to guard effectually against its clandestine importation throughout a long line of frontier, without adopting measures of severity which would be quite intolerable to the people, and without maintaining numerous officers at an expense which would absorb a large portion of the tax. A futile and inconsiderate attempt was made to establish a salt monopoly in our western provinces soon after their acquisition; but it has been very properly abandoned, and we now confine ourselves to the imposition of a moderate duty on the importation of the article into our western territory, including the province of Benares, whose consumption is supplied almost exclusively from the produce of Malwa, Lahore, and other countries situated beyond the Jumna. The Bengal monopoly, in reality, extends only to the provinces of Bengal Proper, Behar, and Orissa, the population of which cannot greatly exceed that of the territory which contributes to the salt-revenue of Fort St. George; and though this population, which has been estimated at 30,000,000, would unquestionably consume more salt, if they could obtain the article at a lower price, no sudden or considerable increase in the consumption can be safely calculated upon without a material reduction of price.

Now, let me ask (since it is always useful to reduce new projects to some specific proposition), at what rate is it proposed to fix the price of salt in the first instance? What, in fact, is that scale of price to which the article ought to be reduced, for the purpose of affording the desired relief to the consumer? The average of the sales in the last year (1826) was not quite 353 rupees per 100 maunds. Is this price considered too high? and are we prepared to entertain a proposition for its reduction, say, to 250 rupees per 100 maunds, which would still leave the tax at the rate of 150 per cent., while that at Madras is only 100 per cent.? Under such a reduction, the consumption remaining the same, we must be prepared for a diminution in our gross revenue to the extent of 50 lacs of rupees per annum; or, in order that the revenue may remain undiminished, an increase must take place in the consumption to the extent of 33 lacs of maunds—that is, it must suddenly advance from 50 to 83 lacs of maunds; an increase which no reasonable person can venture to anticipate. Again, let it be proposed to reduce the price gradually, and to fix it, in the first instance, say, at 300 rupees per 100 maunds. This would be attended with the sacrifice of only 25 lacs of annual revenue, the consumption remaining the same; or, in order that the revenue may remain the same, the consumption must at once be increased above 12 lacs of maunds, a rate of increase which so small a reduction of price cannot, I think, be expected suddenly to produce.

Let us next inquire what degree of relief would be extended to the consumer of salt by reducing the tax in the sum of 25 lacs of rupees, even admitting, what would by no means follow as a necessary consequence, that, by disposing of our salt at the public golahs at the fixed price of 300 rupees per 100 maunds, a corresponding reduction of price would take place in the retail market.

Taking the population of the three provinces whose consumption is supplied by our periodical sales at 30,000,000, and assuming the net revenue drawn from the salt monopoly at 1,25,00,000 rupees, 1,250,000 pounds sterling (the charge of manufacture evidently constituting no part of the tax), each individual contributes, on a medium, tenpence per annum; and if a remission of 25 lacs of rupees were granted, each contributor might be expected to benefit to the extent of something less than twopence annually. The lower classes do not, however, pay quite so much as tenpence, as they do not consume at the medium rate.

It is far from my intention to insinuate that a poll-tax of tenpence, or even less, when levied on the poorer classes of the population of India, is likely to be felt as a light contribution; or that a saving of less than twopence in their annual expenditure would be matter of indifference. What I would submit is, that in the present state of the finances of India, we cannot afford to grant a remission of even 25 lacs in our Salt Revenue, unless we could discover some unobjectionable sub-

stitute for it; and I am decidedly of opinion that we could not suddenly raise this sum in India by any new tax, without subjecting the people to a degree of inconvenience and hardship which would by no means be compensated by a trifling reduction in the price of salt.

But is it at all certain that the individual contributor would actually benefit by the remission of the tax? or, in other words, that the retail price of salt to the consumer would fall in proportion to the reduction made by Government in the wholesale price of the article?

This benefit does not appear to have resulted generally from the reduction of the tax at Fort St. George, it being stated "that the salt merchants had not afforded to the inhabitants of many of the districts a corresponding reduction in the retail price;" and the fact tends very much to strengthen the apprehension which I entertain with regard to the practical good to be expected from the projected change of system.

I have no grounds for affirming that a sub-monopoly exists at Fort St. George, either on the part of the public servants, or the merchants; but it is matter of notoriety, and it was matter of just reproach to the Government of the day, that the utmost abuse prevailed in Bengal prior to the establishment of the present system, under which the periodical sales are conducted in a public manner, and are open to general competition.

The same abuse can never be practised again in

the same degree; but should it be determined to fix the price of salt at a reduced rate, and to confine the sales to the public golahs, or storehouses, it appears to me that the native servants will have great opportunities of levying contributions from the merchant and consumer, even if they should not actually succeed in establishing a regular sub-monopoly.

The boats, which bring down, from the more remote districts, grain and other bulky articles, for the consumption of Calcutta and its neighbourhood, and for exportation by sea, are usually employed in carrying back salt; and under the existing system of periodical sales, the merchant who carries on this double traffic, by effecting his purchases previously, can secure always the required supply of the article, deliverable at the particular station which may best suit his purposes; but, if the sales are to be made at the golahs, he must send his boats, at a venture, without any certainty of his being able to procure a supply. The native servants in charge of those golahs will have only to say that he is too late, and that the salt in store had already been disposed of to others; and they will reduce him to the alternative of submitting to their exactions, or of returning disappointed, after having been subjected to expense and delay, and the other inconveniences usually resulting from the derangement of a commercial speculation. If it be said that such vexatious delays may be created for corrupt purposes even under the present system, I admit that this is possible; but in

the one case the officer complained against may urge a plea which it will be extremely difficult to disprove; while, in the other, no justification can be pleaded for the non-delivery of that which is known to be in store, which has been actually purchased, and for the delivery of which the purchaser holds an order, or warrant, from a public officer of the Government.

If, with the view of obviating this objection, it be proposed that the sales should be made, at fixed prices, by the Board of Trade at Calcutta, and not at the golahs, then, I contend, that a sub-monopoly is likely to be established by the Calcutta capitalists, who will purchase up the whole quantity offered for sale, and compel the real merchant to take what he requires from them at an advance of price. This is not mere vague speculation. Attempts have been made to engross in this way both the salt and opium, and they have been attended with partial success, even under the difficulty of open competition; but if the salt be tendered for sale at a reduced and fixed price, I apprehend that the great capitalists will experience little difficulty in establishing a sub-monopoly.

If, in the very laudable design to bring salt home to every man's door at a cheap rate, it be proposed to allow the petty dealers and consumers to purchase the article at the golahs in small quantities, without the intervention of the wholesale merchant, I submit that, in addition to the objection already stated with regard to the opportunity of levying contributions,

which will be afforded to the native servants, facilities will be given to smuggling in a way calculated to affect the public revenue. I will not insist that, according to the principles of political economy, labor is most productive when subdivided and applied to individual objects, and that nothing is gained by taking the petty dealer from his shop, or the manufacturer from his loom, in order that these parties may dispense with the services of the intermediate merchant. What I would urge is, the difficulty of preventing smuggling, if the salt be disposed of in small quantities in the manufacturing districts, with liberty to the purchaser to convey it through those districts. The Molungees are in the habit of secreting a part of their produce, for the purpose of realising, by private sale, a higher price than they receive from Government; and in order to check this practice, it has been found necessary to prevent as much as possible the transit* of salt in small quantities within certain limits, and to confine the transportation of it under rowannahs, or passes, to the principal rivers and routes, until it passes beyond the Chokees, or Guard Stations, when the trade becomes free, and the article may be distributed over the country without interruption or hindrance. But as salt cannot easily be identified and distinguished, the practice of allowing it to be removed in small quantities from the golahs, would afford great facilities to the Molungees (and, I may add, to the native

* See sections 36 and 47, Regulation X., 1819; also sections 55, 60, and 70, of the same Regulation.

servants) for the removal of illicit salt; and the market being thus in part supplied through an irregular channel, the interests of the monopoly would be liable to be affected in a serious degree.

The object of the Board, I presume, is not to reduce the tax at this moment. It is to promote consumption, and to give the poorer classes more salt to eat for the same money, while the Government draw the same revenue from an extended sale. This is a just and humane object; and I am as anxious as any man can be to promote its attainment. But does it follow that it is only to be accomplished by disposing of our salt in small quantities at fixed prices? It appears to me that the end may be attained equally well, and with less risk to our revenue, by extending the public sales. If the present price (about 350 rupees per 100 maunds) be considered too high, let an addition be made, say of five lacs of maunds, to the quantity annually brought to sale; and if that be not sufficient, let a further addition be made, and it is unquestionable that, by a seasonable and judicious adjustment of the supply to the demand, the price may be regulated with a great degree of precision. The speculations of individuals may sometimes, no doubt, run up the prices beyond the proper scale, and for a time disturb this adjustment; but when the intention of the Government to lower the price by enlarging the sales is known and understood, and the public become sensible that steps can and will be taken to restore the equilibrium whenever great fluctuations

occur, the disposition to speculate must be materially checked.

But what means will the Government possess of regulating or influencing prices in the retail market, if the whole produce be offered for sale at a fixed price, and the wealthy capitalist (as he probably will do) determine to purchase it up as fast as it can be brought forward? Under the existing system, the real merchant is sure of obtaining a supply if he chooses to bid high enough, and there is little danger of his being undersold while he purchases like others, at nearly the average of the public sales; but, if the supply fall into the hands of submonopolists, he will not only be exposed to arbitrary and indefinite exactions, but he will be liable to be undersold in the market of consumption by the submonopolist himself.

Although adverse to the plan of disposing of our salt at the public golahs at fixed prices, I have long been of opinion that, with a view to the benevolent object contemplated by the Board, the supply of salt to our Bengal subject should be gradually augmented; and that the importation of the article from the coast of Coromandel should be more encouraged. There existed, heretofore, in Bengal, a prejudice against this salt; but it is now, I understand, getting into more general use, and the price is approximating more nearly to that of our Bengal manufacture. The following, among other reasons, may be urged in favor of extending the importation of it.

1st. By substituting it more generally for the Bengal salt, we shall be enabled to discontinue the manufacture of the latter article in the Sunderbunds, and other situations where the climate and local circumstances are so injurious to the Molungees.

2nd. We shall obtain a cheaper, and, I may add, a *better* article, the cost of the coast salt, with the addition of freight and other charges attending its transportation to Calcutta by sea, little exceeding one-half the cost of our Bengal manufacture.

3rd. The interests of the revenue of Fort St. George are promoted in some degree by the exportation of salt from the territory under that presidency.

4th. The coasting trade, and especially that which is carried on in the native vessels, or *donies*, is very much promoted by permitting the importation of salt and receiving it from the importer *at a fixed price*. These vessels seldom make more than one trip in the year; they convey grain from Bengal to the coast of Coromandel; but the trade is liable to be impeded or checked if they are not allowed to take a cargo of salt, on terms to yield a freight, and supply a remittance for the purchase of grain in Bengal. Moreover, by maintaining the *dony* tonnage, we provide the means of alleviating the sufferings of the people on the coast of Coromandel, in seasons of scarcity; but our existing regulations are not calculated to encourage and extend it. The selling price of coast salt last year in Bengal was about 330 ru-

pees per 100 maunds; and as only 30 rupees of the amount were receivable by the importer (or somewhat less than the original cost of the article), he could have realised no freight in the cargo.

THE OPIUM MONOPOLY.

[Written in 1829.]

It is scarcely necessary for me to speak of the policy which had been pursued by the East India Company, systematically for a long course of years, with relation to the monopoly of opium in Bengal. The leading feature of that policy was, to limit the manufacture to a moderate quantity, seldom exceeding 4500* chests—to confine the cultivation of the poppy to those districts in which the drug could be produced of the best quality, and at the lowest cost—and to prevent, as far as possible, the sale and use of it in our territory, except for medicinal purposes. In prosecuting this policy we went so far as to prohibit the cultivation of the poppy in the districts of Baugulpore and Rungpore, where it had long been grown extensively, and where the produce had heretofore been appropriated to the purposes of the monopoly; and, at a period not very remote, on information being obtained that the cultivation in Rungpore had been clandestinely renewed, the Government did not hesitate to order the plant to be eradicated, in the most peremptory and arbitrary manner.

* Average annual sale in eleven years, from 1814-15 to 1824-25—Bengal opium chests, 3942.

In short, the very essence of all our arrangements had been to draw the largest revenue from the smallest quantity of the article.

On the cession of Malwa to us by the Mahrattas, the Governments of India seem to have entertained the project of raising from that province an opium revenue, similar to that which we had succeeded in establishing in Bengal. For this purpose a very high duty* was imposed on the transit and exportation of the article by sea from Bombay and the ports on the western side of India; and I am persuaded that if this simple plan had been persevered in, we should not only have succeeded in affording very material protection to our Bengal monopoly, but that we should also have raised no inconsiderable revenue at Bombay by means of the duty. It was very high, no doubt; and when high duties exist, smuggling may be expected to take place in a greater or less degree. But surely we had greater means of preventing or checking smuggling after we had obtained possession of the whole coast—with the exception of the obscure ports of Diu and Demaun—and after we have established a paramount authority or a predominant influence throughout the whole of Central India—than we can be supposed to have possessed while the Mahratta and Rajpoot states enjoyed political independence.

Some small quantity of opium would, I can readily

* Twelve rupees per seer. Had this duty been collected on *one-half* the quantity of Malwa opium at present exported, it would have yielded an annual revenue of at least 24,00,000 rupees.—H. St.G. T.

believe, have escaped our custom-houses, and have been exported through the Portuguese settlement of Demaun, as heretofore; but the Bengal monopoly, which had always this competition to encounter, would at least have been as well, if not better protected, while a certain revenue would have been drawn from the regular trade in the article. Moreover, I would observe that the difficulty, risk, and expense of carrying on an illicit traffic in opium from Malwa would have been so great as to constitute a virtual protection to our monopoly. The cost of production in that province far exceeds that of Behar or Benares; while the sale value in the market of consumption was less. The transportation of the article a distance of several hundred miles, through mountain passes, in a country possessing no regular roads or other facilities for conveyance, must have been opposed by very formidable obstacles, and have been attended with very great expense; while the exactions of the petty chieftains through whose territory it must pass, would have all tended to enhance its cost, and in so doing to afford an indirect protection to our Bengal monopoly. Opium, in fact, is an article very difficult to smuggle in large quantity. Its presence is easily detected; and it must be prepared and packed in a particular manner to command the confidence of the foreign purchaser.

Notwithstanding these circumstances, which seemed to favor so decidedly the success of the first plan projected, it was suddenly abandoned, even before it had been brought to the test of experiment.

A large quantity of opium, which the proprietors appeared unable or unwilling to export, was purchased at Bombay at an enormous* price. The monopoly was subsequently undertaken on account of Government—it was for some time notoriously mismanaged—high prices were given, very far exceeding the natural cost of production—the cultivation of the poppy was thus encouraged and extended—and, to finish this hasty sketch, I may observe that we have now become the manufacturers or purchasers of above twenty thousand maunds (say one million and a half of pounds weight) of Malwa opium, annually, without enjoying even the poor consolation of knowing that by this monstrous production we have added to our financial resources. It is true that a small profit† is at length exhibited in the public accounts; but my own conviction is, that the Bengal monopoly has suffered from the excessive production of the article in Central India in a degree far exceeding the revenue which has been obtained, or which is ever likely to be obtained from the monopoly established in our new territory.

But this is not all. The utmost efforts have been used to extend the cultivation of the poppy in our old provinces. Premiums and rewards have been held out—new offices and establishments have been created—the revenue-officers have been enlisted in

* In January, 1821, a large purchase was made at 400 rupees per Surat maund of 39.2lbs., or 1400 rupees per chest of one pecul = 133⅓lbs., or near 1600 rupees per Bengal chest of 149¾lbs. The prime cost of a chest of Bengal opium is about 200 rupees; or, with charges, about 270 rupees.—H. St.G. T.

† About 600,000 rupees per annum. See Court's letter of the 16th September.

the service—the influence of that department has been brought into action to promote the production of opium—and what has been the consequence? By the multiplication of agents, responsibility has been diminished—the powerful impulse given to the increase of quantity has caused the quality to be less attended to—the quality of the drug produced in Behar, the province notoriously most favorable to the growth of the poppy, has been deteriorated—and the Supreme Government, on a late occasion, were exposed to the embarrassing and humiliating situation of being compelled to indemnify the merchant, to the extent of near one hundred and fifty thousand pounds, for having supplied him with a defective commodity.

The Supreme Government of India, too, have condescended to supply the retail shops with opium for domestic consumption; and have thus added a new feature to our fiscal policy. I believe that no one act of our Government has appeared, in the eyes of respectable natives, both Mahomedan and Hindoo, more questionable than the establishment of the Abkarry, or tax on the sale of spirituous liquors and drugs. Nothing, I suspect, has tended so much to lower us in their regard. They see us derive a revenue from what they esteem an impure source; and when they find the pollution of public-houses spreading around them, they cannot understand that our real object is to check the use of the noxious article which is sold, or to regulate those haunts of the vicious with a view to objects of police. And

have we succeeded in promoting these objects? Will any man be so hardy as to maintain that the use of spirituous liquors and drugs has been diminished by the operation of the tax? or that it has not been everywhere extended? Have we the slightest ground for concluding that in licensing Abkarry shops we have promoted the purposes of an efficient police? But even if we admit that these objects have been kept in view, or that it is become necessary, in the present state of the country, to regulate the vend of spirits and drugs, was it becoming in a great Government to exhibit itself as the purveyor of opium to publicans, or "to establish shops on the part of the Government" (I use the words of the Regulation) "for the retail sale of the drug?" Is it desirable that we should bring it to the very door of the lower orders, who might never otherwise have found the article within their reach; and who are now tempted to adopt a habit alike injurious to health and to good morals?

But the evil of introducing or extending the use of opium assumes a still more serious character, if we trace its probable effects in Central India, or in Rohilkund, where it was lately proposed to encourage the cultivation of the poppy, and to establish an agency. The following short quotation is from the valuable work on Rajasthan, or Rajpootana, by Lieut.-Col. James Todd, our late political resident at the court of the Rana of Oodipore:

"This pernicious plant (the poppy) has robbed the Rajpoot of half his virtues; and while it obscures

these, it heightens his vices—giving to his natural bravery a character of insane ferocity, and to the countenance, which would otherwise beam with intelligence, an air of imbecility. Like all stimulants, its effects are magical for a time; but the reaction is not less certain; and the faded form, or amorphous bulk, too often attest the debilitating influence of a drug which alike debases mind and body."

The cultivation of the poppy has now been spread throughout a large portion of Rajpootana, as well as in our own and the Mahratta districts of Central India, and the Affghan state of Bhopal. Negotiations have been entered into, and treaties concluded, such as are not, I believe, to be paralleled in the whole history of diplomacy. We have undertaken to pay Holkar the sum of six lacs of rupees annually; and we are anxious that Scindia should be induced to accept a subsidy of the same description. Oodipore, Kotah, Boondi, and other Rajpoot states, are all to receive, and some of them do actually receive, annual payments from us on account of opium. And for what purpose are these pecuniary engagements contracted? Are they intended as an indemnification to the chiefs and their subjects for *suppressing* the cultivation of the poppy? Quite the contrary. These burdensome contributions bear a rateable proportion to the quantity of opium supposed to be produced; and they therefore operate as a direct and powerful stimulant to the production of the article. We engross the supply, it is true, as far as we can; but, when such encouragement is given to produc-

tion, the domestic consumer must necessarily enjoy greater facilities in procuring the drug. We make it the interest of the chief to increase the growth of the poppy, to the exclusion, in some instances, of sugar-cane, cotton, and other products which constitute the riches of a country, and which ought to minister to the comforts of the people.

The virtues of the Rajpoot are highly colored by the partiality of Colonel Todd; but one fact is quite clear—that with all his heroic bravery and other good qualities, he requires very skilful management. The same may be said of the Affghan of Rohilkund, who is still more restless and impatient of control; and, if there were not other and better reasons, I should say that it is not safe with either race, Rajpoot or Affghan, to supply the means of habitual excitement, which must render them more turbulent and ungovernable. If we suppose that the use of opium tends to demoralise and brutify a people, we cannot countenance it without incurring a still deeper responsibility.

The advocates of the present system urge two arguments in justification of the monopoly established in Central India: the one, that it would be unjust to debar the Rajpoot and other states from the advantage which they have hitherto derived from the cultivation of the poppy—the other, that we cannot prevent the Malwa opium from finding its way to the sea coast, for exportation to China and the Eastern Islands; that we cannot, in consequence of the competition arising from this and from the Tur-

key opium, maintain our high monopoly price, and that it is become necessary, therefore, to endeavour to draw the same revenue from a larger supply at lower rates of profit. The first ground is the best; and—if we had granted a pecuniary indemnification to the native states for any loss of agricultural profit, or of revenue, which they might sustain from our restrictive system, or if we had allowed them to collect duties on the transit of the article through their own territory, or to participate in the high export duty which we proposed to levy—I should have thought that we acted wisely, justly, and consistently; but our present subsidies are evidently calculated to produce an effect directly opposite to that which is contemplated.

To the second ground I attach little importance; and it is, in fact, admitted in the Court's letter of the 16th ultimo, that the mountain passes of the Aravalla, and other parts of the route, might be so far guarded as to prevent any considerable traffic in contraband opium from Central India; and, if this be true, I conceive that every fair and legitimate object might have been accomplished by persevering in the original plan, incorporated in Regulation I. of 1818, and II. of 1820, of the Bombay Government. The competition from Turkey we cannot prevent; but the supply from that quarter is not considerable; and although it is, no doubt, liable to be increased by high prices, I must contend, that if a revenue cannot be drawn from such an article as

opium otherwise than by quadrupling* the supply, by promoting the general use of the drug, and by placing it within the reach of the lower classes of the people—no fiscal consideration can justify our inflicting upon the Malays and Chinese so grievous an evil. I deny, however, that this extension of the monopoly was necessary or conducive to the interests of the revenue.†

The purchase of houses in Calcutta, noticed in the 10th and 11th paragraphs of the Court's letter (certainly in terms of slight reprehension), appears to me to have been highly unjustifiable; and the additional establishments reluctantly sanctioned in the 19th and 20th paragraphs of the despatch, I consider to be worse than useless; but these are minor objects, and my business is with the system—the objections to which may be reduced to the following general heads:

1st. We are stimulating by high prices the pro-

* Average annual sale of Bengal opium from 1814-15 to 1824-25 — Chests. 3942

Sale in 1826-27:

Behar	4982	6570
Benares	1588	

Malwa not ascertained with certainty; but the produce is now estimated at above 20,000 maunds.

	Chests.	Rs.
† Net annual profit on Bengal opium, on an average of ten years, from 1814-15 to 1824-25	3907	82,26,253
Amount of profit realised on Bengal opium in 1826-27, the last year for which the accounts have been adjusted	6570	66,25,754
Profit on sale of Malwa opium in 1825-26, as stated in Court's letter of the 16th Sept.		6,55,754
Ditto, in 1826-27		22,22,907

But I apprehend that this latter sum will be subject to heavy deductions on account of our payments to Holkar and other native states.—H. St.G. T.

duction of opium, in places by no means favorable to the growth of the poppy, and where the natural cost of production is comparatively high. The late agent had, it is true, the merit of reducing the price of the Malwa opium from 55 rupees per pussaree (or 10lbs.) to 30 rupees; but even this reduced rate is more than double the cost of the opium produced in Behar and Benares, and it is further enhanced by the annual payments to the Rajpoot and Mahratta states.

2nd. We are compelled to place an immense sum annually in the hands of an agent, who is stationed at a vast distance from the seat of control; and we not only impose upon him a heavy trust and responsibility in consequence, but a temptation to abuse is held out, to which it is not desirable that any public officer should be exposed. In one year (1823) the agent in Malwa had occasion to draw for no less a sum than 86,25,000 rupees, or near a million sterling; and, much as I value the character of our service, I do not think it prudent to commit sums of such magnitude to the discretionary management of any individual.

3rd. By the very large payments which we have had occasion to make for Malwa opium, the excess of our expenditure in the west of India has exceeded the sum which could be supplied from Bengal through the channel of the trade; the exchanges were, in consequence, deranged, and the Government of Bombay could no longer draw on Calcutta on the same advantageous terms as heretofore. This effect has been partially removed by bringing to sale at Bombay a portion of the Malwa opium; but as far

as the exchange has been lowered to our disadvantage, the difference may be considered as justly chargeable to the account of the Malwa monopoly.

4th. By attempting to engross the produce of Central India, we have exhibited ourselves to the Rajpoots and Mahrattas as a Government eagerly pursuing a grasping and selfish policy; and all our subsidies, burdensome as they are to us, and professedly intended to give them a common interest in the success of our restrictive measures, will not, I fear, remove that feeling, nor satisfy them that they have not suffered, both in revenue and in character, by their engagements with us.

5th. By promoting the growth of the poppy throughout Central India as we have done, by paying high prices, and by giving the native chiefs an interest in *producing*, rather than in *restricting* cultivation, we became accessory to the probable extension of a pernicious habit among a race of men whose well-being ought never to be an object of indifference to us.

6th. By encouraging and extending the growth of the poppy in our own provinces, and becoming the retail vendors of the drug, we shall promote the introduction or extension of the same pernicious habit, which is calculated both to debase our native subjects, and to render the maintenance of an efficient police more difficult and burdensome to our finances.

7th. By pursuing this course, we impose upon ourselves, at the same time, a necessity for extending the sphere and operation of *severe penal laws*,

which cannot be perused, I think, without a painful and compunctious feeling.

8th. By forcing upon China such an enormous quantity of an article whose importation is prohibited, we run the risk of exciting the attention of the Government of that country, and of inducing it to resort to more peremptory and effectual measures for the suppression of this contraband trade.

Finally. By extending our monopoly, we exhibit ourselves more prominently to the public in a very unpopular character. We place ourselves gratuitously in a most unfavorable point of view; and we seem—almost, as it were, by choice and preference—to run into a course of policy and legislation totally inconsistent with the character of a mild and benevolent Government.*

* Mr. Tucker, in common with other members of the Court of Directors, entertained very strong opinions on the subject of the Opium Monopoly. He would fain have seen it abandoned altogether as a source of revenue to the East India Company, if this could have been accomplished without a dangerous derangement of their financial affairs. Or if this could not be done, he desired so to restrict the cultivation of the poppy, as to derive the necessary revenue from the smallest possible quantity of the drug. "When I was connected with the finances of India," he wrote to Sir Robert Peel, in November, 1842, "the policy pursued in the management of the monopoly was to draw the largest revenue from the smallest quantity of the drug. The districts most favorable to the cultivation of the poppy were selected, the cultivation was abandoned in other quarters, and on one occasion the Government went so far as to order the plant absolutely to be eradicated, upon grounds which may at least be regarded as questionable. . . . . But when the province of Malwa came under our dominion, it occurred to some of our functionaries that an opium revenue might be obtained at Bombay, analogous to that derived from the monopoly of the manufacture in Bengal, and every possible stimulus was given to the cultivation of the poppy. . . . From this time an entire change in our policy took place, and it became the object of the Government to crush the competition from other quarters, which high prices might engender, and to draw the same revenue from a large quantity at lower rates." In another letter of an earlier date, to Mr. Campbell Marjoribanks, Mr. Tucker says: "For the last twenty years we have been

CULTIVATION OF INDIAN COTTON.

[Written in November, 1828.]

My attention has lately been called to the important question of extending the importation of cotton-wool from British India, both with a view to the great national object of rendering Great Britain, as far as possible, independent of foreign supply, in the first instance, of a raw material, upon which her most valuable manufacture depends; and also with a view to add to the agricultural resources of India, and in so doing, to facilitate the means of remittance from our extensive possessions in the East, which incur annually a political and commercial debt to the mother country. I shall therefore submit, in a summary way, the results which I have been enabled to obtain by consulting the public records, and by personal communications and correspondence with those individuals (Dr. Wallich and others) who appeared to me likely to possess the best information on the subject.

There are two species of the cotton-plant producing the wool which is used in our manufactures—the *gossypium Barbadense*, and the *gossypium herbaceum;* and there are persons who maintain that

encouraging the production by all possible means, and we now export to China alone the enormous quantity of 27,000 chests. This I have always considered an intolerable evil, and my voice has been raised against it on numberless occasions. I have regularly opposed all the measures in detail, which had for their object to increase the production of the article." That the monopoly is a great evil is generally admitted; but it may be doubted whether the unrestrained cultivation of the poppy would not be a greater evil still.

an essential difference exists, not merely in the botanical character of the two species, but in the strength and durability of the filament which these plants produce. It is well known that the *gossypium Barbadense* is grown generally in America and the West Indies, and may be designated the cotton of the West, while the species *herbaceum* is a native of Asia, and may be distinguished as the cotton of the East.

There are several varieties of each species,* produced probably by a difference in situation, soil, climate, and culture; and although the two species, with their several varieties, have an original and natural site, there is reason to believe that they can be cultivated indifferently, in any tropical situation favorable to the production of the plant generally.

The cotton of the West, as the raw material of our manufactures, has hitherto borne, and still bears, a much higher price in the markets of Europe than the cotton of the East; although it is contended that the fabrics wove from the latter surpass, in the essential character of strength and durability, those which are manufactured from the cotton of America.

Without insisting upon the superiority of the Eastern cotton as a natural production, its inferiority as an article of commerce, and its consequent depression in price, may be accounted for by the following circumstances, which operate in a greater or less

* Some naturalists reckon four species of the cotton-plant; and many varieties are enumerated by Dr. Lastreyrie and others. As I am not a naturalist, I shall not attempt to give botanical descriptions nor use botanical terms.—H. St.G. T.

degree in deteriorating its quality and merchantable value:

1st. The best variety is not generally cultivated for exportation.

2nd. The best situations are not always chosen for its cultivation.

3rd. The mode of culture is essentially defective, the natives of India being in the habit of growing different articles of produce upon the same land at the same time, with little regard to a rotation of crops; and owing to this injudicious husbandry, and to carelessness and mismanagement in other respects, the shrub, which under proper care is elsewhere rendered biennial, triennial, and even perennial, is in India found to be an annual only.*

4th. The cotton is not properly cleaned and separated from the seed, the machinery employed for this purpose being very insufficient, and greatly inferior to that now in use in America.†

5th. In consequence of the defects of the machinery, the essential oil of the seed is liable to be

* By some authorities it is considered judicious husbandry to root up the plants every second or third year, and to change the seed periodically. The natives of India, where the plant is an annual, rarely, I believe, take the precaution to procure seed from other quarters, although this is known to be beneficial, both in rural economy and in horticulture. Where the cotton-plant is biennial or triennial, it is said to yield the best produce in the first year; and so far the Indian cultivation may be right in allowing the shrub to die off annually; but it still may be highly useful to change the seed and to practise a more useful husbandry.—H. St.G. T.

† It has been urged that the saw-gin tears and injures the filament, and so perhaps it does; but although hand-picking is very essential to aid in cleaning the cotton, it cannot become a substitute for machinery. In India, where labor is so cheap, the process of cleaning the wool ought to be well executed; but the *churker* (or cylinders) used for separating the wool from the seed is a very rude machine, and leaves much to be done by the hand.—H. St.G. T.

expressed and suffused over the cotton, to the injury of its color and quality.

6th. The cotton being produced generally at a greater distance (in some instances not less than 1000 miles) from the place of export, and the state of the rivers at the season of gathering the crop not admitting of its being conveyed the whole distance by water, it is frequently warehoused for months at intermediate stations; and a whole season is often lost before it can be packed and screwed for exportation.

7th. During its progress to the place of export in loose bags or bales, partly by land and partly by water, it is much exposed to the inclemency of the weather; the bales are often rendered wet or damp* by the heavy rains which prevail in tropical climates; and the cotton seldom arrives at its place of destination without some discoloration and partial damage, incidental to its conveyance in open carts and ill-secured boats, during a long land journey and tedious river navigation.

8th. Although attempts are made to clean the cotton, and remove the seed and particles of the pod and leaf before it is submitted to the screw, this is never done effectually, and the extreme compressure to which the cotton is then subjected by this powerful machine, with a part of its seed and impurities still adhering, must tend to injure the fibre.

9th. The heat and moisture of the hold of a ship

* It has been alleged that the natives sometimes "damp" the cotton, in order to increase its weight; but the defect may be referred, with greater probability, to other causes.—H. St.G. T.

during a long voyage, in which great alternations of temperature are usually experienced, may also tend to injure the quality of the article.

Lastly. It may be observed, that the practice, heretofore common in some of our provinces, of receiving the cotton in payment of rent and revenue, was calculated to make the cultivators more solicitous to increase the *quantity* than to improve the *quality* of the article. Their necessities, moreover, may be supposed to have compelled them often to gather their crop *unseasonably*, for the purpose of making these payments in kind; and it is well known that cotton gathered in wet weather is liable to be materially deteriorated in quality and value. The practice of receiving payments in kind has been discontinued at Bombay; but effects are often felt long after the original cause has been removed.

Without assuming the superiority of the Eastern cotton as a natural production, the greater degree of strength and durability of the fabrics made from it may be referred, perhaps, to the following circumstances:

1st. The thread spun with care by the hand is probably more perfect.

2nd. The operations of the loom, when conducted carefully by the hand, are not so liable to injure the fibre as the process carried on by machinery.

3rd. The process of blanching the brown web is effected in India by steam and the solar ray; and the texture of the fabric is not liable to be injured by the use of muriatic acid or other chemical solvents.

4th. The fabric, for the purpose of being rendered more even and beautiful, is not exposed to the very delicate operation of singeing off the ends of the thread and other excrescences.

5th. The raw material is not economised in our Eastern manufactures in any way to diminish the firmness and strength of the texture.

The *Bairati kupas*, the finest variety, perhaps, of the Eastern cotton, is produced only in small quantity in the districts north-west of Dacca; and is never exported, I believe, as an article of commerce. Its favorite site seems to be the high banks of the Ganges (or as it is called in a part of its course, the Pudnah), and its tributary streams; but as the country adjacent is liable to annual inundation, the tract of land applicable to its cultivation is not extensive.* This variety, which is also called by the natives *Désy* (of the country), would seem to be, as the name imports, the indigenous cotton of Bengal, producing those unrivalled fabrics which have been known and highly valued in Europe from the earliest period of authentic history.

Other varieties (the *Bogha kupas*, &c.) are found in Bengal Proper, and are used in its domestic manufactures; but the cotton which is exported to

* Many years ago I resided in this part of the country, and was induced, from the great superiority of the *Bairati kupas*, to send the seed, with a model of the *churker*, to my native island (Bermuda); but the cultivation of cotton was not prosecuted in that island. The fibre of the *Bairati* is extremely fine, silky, and strong; but the staple is very short, and the wool adheres most tenaciously to the seed. I have in my possession a specimen of the thread, which has been above forty years in this country, and is apparently still perfect.—H. St.G. T.

Europe and China, from Bombay and Calcutta, under the denomination of *Surat* and *Bengal*,* is produced chiefly in the tract of country lying between the rivers Jumna and Nerbudda, and extending westward to the Gulf of Cambay. Cotton is also grown in the southern parts of the Peninsula, and is exported from Madras under the denomination of *Tinnevelly;* but the quantity produced is not very considerable, and the strong durable fabrics manufactured in the Northern Circars are made from cotton obtained from the territory of Berar, and the neighbouring districts. I may add that attempts have been made to cultivate cotton on the Malabar coast; although it is understood that they were not attended with such success as to lead to a belief that the situation is favorable for the growth of the article.†

An experiment was made a few years ago, under the auspices of Lady Hastings, to introduce the cultivation of two varieties of the Western cotton (the Barbadoes and Brazil), at a place called Futteghur,

* The cotton exported from Calcutta as *Bengal* bears a great variety of names on the spot (*Jalson, Kineb, Banda, Cuchaura*, &c.), derived from the place of growth, or the principal marts to which it is brought for sale; but although the quality is very different, owing to a difference in soil, culture, and management, the cotton is all, I believe, of that description which Dr. Hamilton Buchanan designates *hill cotton*. The cotton of Surat differs from it only in consequence of the difference in local circumstances.—H. St.G. T.

† Attempts have also been lately made to cultivate cotton in the province of Cuttack; but I understand that they have not succeeded. More recently the cultivation of the plant has been undertaken in the island of Saugor; but sufficient time has not elapsed to enable me to ascertain the result. Dr. Wallich is sanguine in his anticipations of success; and, in fact, it is well known that the plant likes an alluvial soil and the neighbourhood of the sea. —H. St.G. T.

in the vicinity of Calcutta; but although the cotton produced was reported to be of good quality, the experiment was upon too small a scale, and bore too much the character of mere garden cultivation, to furnish any decisive results. It may be observed, at the same time, that the thread spun from this cotton was not considered by the Indian manufacturers to be by any means equal in quality to that obtained from their own native cotton—it being estimated by them at eight* and ten per cent. below the value of the latter. This would seem to favor the notion that there is an essential difference in the fibre of the Eastern cotton; nor can it be disputed that the Asiatic fabrics,† from whatever cause, are superior in strength and durability to the manufactures which are produced from the cotton of America.

The *Bairati kupas*, although its fibre be fine and silky, and admirably calculated for the manufacture of the muslin or thinner fabrics, has the disadvantage of a short staple, while the wool adheres so closely to the seed that it is with difficulty separated; and this variety is otherwise, perhaps, too costly a production to enter largely into our manufactures.

* Brazil eight per cent. worse, Barbadoes ten per cent. Both plants have, under culture, been found to be triennial (*i. e.*, they produce for three years). The shrub will last longer, but is not productive after the third year.—H. St.G. T.

† The nankeens of China are, perhaps, the stoutest cloths manufactured from cotton; and yet we do not know the plant which produces the wool, nor are we agreed whether the color be natural or artificial. The wool of the *gossypium religiosum* has much the same color; but it is not supposed that the ankeens are made from this cotton.—H. St.G. T.

Although some of the finest cotton is produced in islands and situations within the influence of the sea, this circumstance does not appear to be essential to the perfection of the plant; since a large portion of the article used in our manufactures is grown in districts very remote from the sea. Still, it is of importance that the cultivation of the article should be promoted as much as possible in situations which are near the coast, or which have an easy communication with our seaports; because any difficulty or delay attending its exportation not only occasions expense, but in many cases renders the cotton liable to deterioration in quality and value.

It would appear from the papers lately printed by Parliament on the American tarif, that the cost of cotton grown in the United States has of late been very materially reduced, either by improvements in their domestic husbandry and in the mode of cleaning the cotton, by opening and extending numberless channels of internal communication, or by other means.

At their principal seaports the price of cotton is now about ten cents, or fivepence per pound.

In Calcutta the ordinary price of Bengal cotton is twelve* rupees per maund, or about fourpence per

* Dr. Hamilton Buchanan, in his statistical account of Dinagepoor, estimates that cotton can be produced in India at a very low cost. Circumstances have, no doubt, changed within the last twenty years; but there is reason to believe that, under a proper system of culture, the article could be grown in many of our provinces at a very moderate rate. The charges on the Company's cotton are at present very high; and it is sometimes found that the

pound; but the latter article incurs a heavier charge for freight and other outlays, while it usually sells in the English market at about twopence per pound below the price of good American cotton.

In the United States, the cost of subsistence and the wages of labor are considerably higher than they are in British India; and other circumstances being nearly equal, this ought to give us a material advantage in producing a raw material for the supply of a foreign market. In point of fact, the Americans, at no very remote period, did actually import cotton-wool from India, although it was charged with a duty of three cents per pound; but being landed for about fifteen cents, or sevenpence-halfpenny per pound, it came into successful competition with their own produce, which bore at the time a price of from eighteen to twenty cents per pound.

In the United States, although the cost of subsistence is much less than in England, the wages of labor are higher; and, placing machinery out of the question, which may indefinitely multiply labor in either country, this lower rate of wages ought to give us a present advantage as a manufacturing people. But the wages of labor, which are generally regulated by the cost of subsistence, are comparatively high in America at present; because new objects, upon which labor can be advantageously employed, are perpetually presenting themselves, and

article can be purchased from individuals at the place of export, at a price below the invoice cost of their investment; but the concern is surely susceptible of more economical arrangements. If the quality were good in proportion, the higher price would afford less matter for regret.—H. St.G. T.

the demand may therefore be considered to exceed the supply.

As the population increases and the objects of profitable employment are successively exhausted, the American laborer must be content with a less liberal subsistence, the wages of labor must gradually fall, and the advantage which we at present enjoy will be turned in favor of that country which produces the means of subsistence at the cheapest rate.

The public debt of the United States, which does not at present exceed fifteen millions sterling, is likely to be extinguished in seven or eight years; and the Government will then command a large surplus income, which may be applied to the advancement of any national object. Imbued as the people of that country are with a singular spirit of rivalry, eager in the pursuit of wealth, active, enterprising, and intelligent—is it not to be expected that their resources will be applied, by means of bounties and other encouragement, to force their produce and manufactures into every market of consumption? They have already made great progress in the establishment of different manufactures, and in the introduction of machinery; and instead of importing largely, as they have hitherto done, from this country, they already supply their own consumption with the coarser cotton fabrics; and are likely from year to year to become less dependent upon any foreign supply. Nor do they confine their views to their own consumption. With that confident spirit which peculiarly characterises them, they are already cast-

ing abroad and anticipating the hour when they shall supplant us in every market of the commercial world. They propose to meet us in China and in our own colonies and dependencies; and if, while they are thus rapidly advancing, this country should make no corresponding efforts to preserve her commercial superiority, and to uphold her manufactures by obtaining the raw material of the best quality, and at the lowest cost, who shall venture to say that their most extravagant anticipations will not be realised?

Adverting to the foregoing premises, which must be regarded only as the brief exposition of a question of deep interest, I would submit the following propositions:

1st. That it is become highly expedient, as a national object, to encourage and promote in British India the cultivation of the two species of cotton, or those varieties which are most esteemed, and which are likely to be found most suitable and useful in extending and improving the manufactures of this country.

2nd. That with this view, it is desirable to establish two or more plantations upon a larger scale, under the superintendence and management of the public servants, for ascertaining experimentally the best system of husbandry applicable to the growth of cotton, and the species or varieties of the plant which can be cultivated with the greatest advantage in the soil and climate of British India.

3rd. That if persons acquainted with the mode of

cultivating cotton in America can be procured, one or more be sent out to India, to assist in the management of the experimental farms which it is proposed to establish; and that steps be also taken to procure from the Brazils, Egypt, the Isle of Bourbon, and other quarters, the necessary supply of fresh seed of the most approved varieties of the Western cotton.*

4th. That if it be recommended to the Government to make choice of situations for such establishments contiguous to the sea, or having easy means of communication with a convenient seaport; the coast of Tenasserim, and some of the districts on the west side of India, under the Government of Bombay, being considered likely to afford suitable situations for the purpose.

5th. That two or more of the machines, known under the name of Whitney's Saw-Gin,† and now generally used in America for separating the cotton-

* The color of the seed is a distinguishing character in cotton; but Nature is arbitrary, if not sometimes capricious, in her arrangements: and the black and the green seed are converted into each other by a change of place and circumstances. The sea-island cotton, which bears so high a price in our markets, is from the black seed; but I am told that, if it be transplanted to the Upland or back country, the black seed in the second year becomes green, and the length and quality of the staple undergo a great change. Upon the whole, however, the green-seed cotton appears to be that which enters largely into the great bulk of our manufactures, and to which our attention should be chiefly directed.—H. St.G. T.

† I have endeavoured, but hitherto in vain, to procure Whitney's saw-gin in this country, or a model or drawing of it. I am led to believe that it is only an improvement upon the machine which was made by Messrs. Maudsley, the engineers, and sent out to India in 1814, for separating the wool from the green-seed cotton. A much more simple machine is used for the black seed, to which the wool does not adhere so closely. It is upon the same principle as the Bengal *churkhe*, but very superior to it in materials and construction.—H. St.G. T.

wool from the seed, be prepared and sent out to India, to serve as models; and that every facility be given to the multiplication of this machine for the use of the Indian growers of cotton.

6th. That it be recommended to the Government to establish the cotton screws, in all practicable cases,* nearer to the districts where the cotton is grown than they are at present; because the bales, when packed, will occupy less space, and be more secure against the weather in their passage to the place of export.

7th. That in order to bring into operation the stimulus of private interest to aid in promoting a public object, and at the same time to obtain the advantage of European skill, industry, and enterprise, the Government of India be authorised to grant to any British subjects, properly qualified by character, and by possessing the command of capital, such quantity of unoccupied land as may be judged necessary or expedient for the establishment of a cotton plantation, the land being secured to the parties on lease at a low quit-rent for a term of years, on condition of its being used for the cultivation of this article.

8th. That in the event of any difficulty occurring in assigning Government lands of proper quality,

* For instance, at Surat and Kalpee on the Jumna, instead of Bombay and Calcutta. The Company's cotton is at present *half-screwed* at Kalpee; and an experiment was made a few years ago to complete the process of screwing at Surat; but the bales were reported to have burst, and the plan was abandoned. I cannot, however, persuade myself that, with the same materials and machinery, cotton cannot be screwed as well at Surat as at Bombay.—H. St.G. T.

and in suitable situations for this purpose, the Government be authorised to grant permission to such European British subjects to purchase from the Zemindars and others, or to rent for a term of years, any quantity of land not exceeding five thousand *begahs*, which the parties will undertake and engage to employ in the growth of cotton.

9th. That the Governments of India be authorised to offer annual prizes for the production of the best cotton in the best merchantable condition, in quantity not less than one hundred maunds.

10th. That the Governments of India be instructed, generally, to afford every possible encouragement to promote the trade in cotton, by freeing it from all duties of customs* on transit and exportation, by facilitating the means of internal communication, and otherwise obviating, as far as possible, those causes of delay which tend to enhance the cost of the article, and to prevent British India from carrying on a successful competition with other countries, and from supplying the mother country with a raw material, constituting the basis of a manufacture upon which her commercial prosperity mainly depends.

* Cotton appears to have been charged with a duty of three-and-a-quarter per cent. at Surat. A transit of twelve annas per maund is levied in our Bengal provinces; but the whole is drawn back on the cotton being exported to sea on British bottoms. This system may have some slight tendency to encourage our shipping; but it leaves the Indian manufacture subject to a high tax on the raw material; and it is, moreover, a great disadvantage to the exporter to be compelled to advance the duty, and to be subjected to detention at successive custom-houses for the payment of the duty, for the examination of the passes, and subsequently for the purpose of establishing his right to the drawback.—H. St.G. T.

[This valuable paper was originally published in 1836, in a volume of "Reports and Documents connected with the Proceedings of the East India Company in regard to the Culture and Manufacture of Cotton-wool, Raw Silk, and Indigo in India." There were few subjects to which Mr. Tucker directed his attention more earnestly and energetically than to that of the cultivation of Indian cotton. In a letter to Mr. Thomason, dated Sept. 17, 1847, he says: "I have for a very long period taken a particular interest in the cultivation of cotton in India, esteeming it a great national object, and twenty years ago I submitted to the Court a little memoir on the subject; but it was overlooked and disregarded for some years, until the attention of the Board and of the British public was drawn to the subject. I have lately had a good deal of communication with Dr. Royle, the American planters, and the merchants of Manchester, on the best means of extending the cultivation of the article, and of rendering it better suited to the purposes of the British manufacturer.

"There is a great difference of opinion among the Manchester gentlemen with respect to the species of cotton which will answer best. Mr. Turner (a leading authority) is of opinion that our Disi, or indigenous, cotton, if carefully cleaned and prepared, will answer every purpose; while Mr. Peel (another high authority) confidently maintains that the cotton produced from the American seed will always command a decided preference. I would try both, until we arrive at some certain result.

"It is singular that I should, at this late period, after the lapse of nearly sixty years, be pursuing an object which attracted my attention as a boy, when residing in the Hurriaul Aurung, in the district of Rajashahi. I sent to my little island of Bermuda from thence some of the seed of the Disi Kupas, with the model of a churki for cleaning it, on the idea that what produced the beautiful fabrics of Dacca might enrich that island; but it was not found that cotton could be cultivated with advantage."

In another letter, addressed to Mr. Cornewall Lewis, under date Dec. 13, 1847, Mr. Tucker observes:

"There is no question on which I feel that we are stronger than on that of cotton. Nearly twenty years ago I took up the question, as involving a great national object, and I composed a little memoir on the subject, which I believe you will find on the records of the Board. Indeed, the Board bestowed earlier attention upon it than my own colleagues, by whom it was for some years overlooked. But of late years we have used the utmost exertions, and have incurred great expense, to extend the cultivation of cotton, to improve its culture, and to introduce the species best calculated to suit our Home manufactures. We have sent out machinery, American planters, as instructors to our agriculturists, and a variety of seeds from all quarters.

"The point which Mr. Bright is likely to moot, will be the expediency of *reducing* the *rent*, or *tax*, on cotton lands. The assessment is now made on all lands according to their value; and we cannot compel the Ryot, or Zemindar, to give a preference to cotton cultivation, nor can we lower the Government tax without recurring to the system of granting bounties, which, I should think, has been pretty generally exploded.

"I explained these circumstances some time ago to a deputation of manu-

facturers from Manchester, and Mr. Turner (the head of the Association) appeared to be perfectly satisfied. I pointed out to him that, if those interested in the cultivation of cotton would proceed as our indigo manufacturers have done in Bengal for fifty or sixty years, they would experience no difficulties from the local government."

Writing again to Mr. Lewis, on the 10th of February, 1848, Mr. Tucker, looking at the subject with the eye of a practised financier, wrote thus:

"But there is one point to which I would draw your particular attention—the means of obtaining a remittance of four or five millions from India, as its tribute to the mother country. This remittance was secured heretofore, to a great extent, by means of our imports in tea; but one of the greatest difficulties which I anticipated from the change of system under the new Charter Act, had reference to the question of remittance. We now, indirectly, obtain a remittance through China, to a certain extent; but we have not been able of late to command the large supplies which are required to meet our Home expenditure; and unless encouragement be given to the productions of India, I apprehend that, in two years, or sooner, we shall come to a stand, and find it impossible to draw from India that tribute which that territory has heretofore yielded to the mother country."]

INDIAN SUGAR.

[Written in 1823.]

It is maintained:

1st. That it is inconsistent with the principles of sound policy to exclude by prohibitory or exorbitant duties, the importation into this country of raw sugars, the produce of any part of the British dominions, whether such sugars be required to supply the consumption of our own population, or to furnish our refiners with the raw material to enable them to supply the foreign market with the article in its manufactured state.

2nd. That the duty of thirty-seven shillings per cwt. on East India sugars, being equal to a tax of about 200 per cent. on the prime cost of the article in India, is manifestly of this description, and has not only checked the importation of the finer sugars, the produce of British India, by subjecting the im-

porting merchant in many recent instances to a heavy loss, but has actually, in the case of the coarser sugars, operated as a prohibition, and has excluded those sugars altogether from the British market.

3rd. That it is not only inconsistent with the dictates of a wise policy to check the trade in this article from any part of the British dominions; but that to exclude the produce of a particular dependency, by the imposition of partial and unequal duties, for the sole purpose of favoring the importation of the article from some other quarter, is a manifest departure from those principles of equal justice, to the benefit of which the subjects of these realms have all an equal claim.

4th. That the additional duty of ten shillings per cwt. imposed upon East India sugars, which is further aggravated by levying upon those sugars almost indiscriminately the duty of five shillings per cwt., payable upon cloyed sugars (although it is well known that the finest sugars from British India are very inferior both in quality and value to the cloyed sugars of the West Indies), is a partial and unequal tax, intended to favor a particular interest at the expense of other important interests, and is not sanctioned by any principle of justice.

5th. That, although the British Legislature should succeed in excluding East India sugars from the British market by prohibitory duties, this exclusion would but little avail the parties whom it is intended to favor, while those sugars can find their way into the markets of Europe; since it is perfectly certain that the price of the commodity in our own market,

which contains a large surplus for exportation, must be regulated, or be materially affected, by the price which the article bears in the general market of Europe; and that, consequently, while this attempt to confer a benefit on the West India interest seems little calculated to accomplish the end proposed, it is evidently calculated to alienate a valuable branch of trade—to give employment to foreign in preference to British shipping—and to enable the foreign refiner, by supplying him with the raw material at a lower rate, to compete successfully with the British manufacturer.

6th. That, whether it be justifiable or not, in regulating our system of commercial policy, to make a distinction between European British subjects and the natives of India, who, by the dispensation of Providence, have been placed for more than half a century under the dominion of Great Britain,—this partial and unequal tax does unquestionably injure the property, and affect the interests of large numbers of British-born subjects, who have claims to legislative protection, upon grounds as strong and incontestible as those which have been urged, or can be urged, by the proprietors or mortgagees of estates in the West Indies, or by any other class of British subjects.

7th. That European British subjects who have invested their capital in houses, factories, and other buildings—in docks, machinery, and other immoveable property, and who can draw to this country the income of such property, and ultimately the principal itself, in no other way than by means of the produce

of India, are placed in a situation perfectly analogous to that in which the proprietors and mortgagees of estates in the West Indies describe themselves; and have just ground to complain of those legislative enactments which, excluding the produce of India from the British market, virtually deprive them of the means of removing their capital to the mother country.

8th. That the income of British-born subjects from capital in India, with the annual savings of the public servants and others from professional allowances and other sources, for which a remittance to this country is required, has been estimated at the sum of three millions sterling per annum; and that, assuming this fact, which is strongly corroborated by the difference which has long existed, and which still exists, between the amount of imports and exports in the trade of India and China with Great Britain, it would appear that the value of property, and extent of interest, held by European British subjects in India, is not inferior to that held by their fellow-subjects in the West Indies.

1820.	
Imports into Great Britain . . .	£7,537,000
Exports from ditto	1,998,000
Excess of imports . .	£5,539,000
1821.	
Imports into Great Britain .	£7,562,000
Exports from ditto	2,978,000
Excess of imports . . .	£4,584,000

9th. That the protecting duty of ten shillings per cwt., which was imposed for the first time in the year 1813, to favor the trade of the West Indies at

the expense of British India, has necessarily the effect of enhancing generally the price of all sugars in the home market; and that, consequently, as far as West India produce is in question, it imposes upon the British consumer a tax, the produce of which does not find its way to the public exchequer, but which is levied, without discrimination, not merely for the benefit of the proprietors of estates in the old colonies, who are known to be in a state of distress, but also for the benefit of Demerara, and the other newly-acquired colonies, which can neither advance the same plea of distress, nor pretend that they have acquired any peculiar rights on the ground of long possession.

10th. That this forced enhancement of price in the home market is injurious to the British refiner, and tends to prevent his obtaining the supply of the foreign market, while the drawback which is granted to compensate this disadvantage can be supplied only by means of direct contributions from the British public.

11th. That the partial and unequal tax already described, although more obviously affecting the British consumer and the capitalist who has occasion to draw his funds from India, is not less injurious to the interests of the British manufacturer, who sees within his reach an extensive market ready to receive his cottons, woollens, hardware, and other articles, but who finds it impossible to extend, or to continue, his exportation in consequence of not being permitted to import, at a fair rate of duty, the raw produce of India in return.

12th. That, all commerce resolving itself ultimately into a barter of commodities, an *import* duty may, and in certain cases must, have the effect of checking and altogether preventing *exportation;* and that the enormous and unequal duty imposed upon East India sugars, does notoriously tend to prevent that free interchange of the manufactures of Great Britain for the raw produce of her Eastern possessions, which is calculated to secure great and reciprocal advantages to the two countries.

13th. That even the agricultural interests of these islands are exposed to injury by those injudicious enactments, which tend to check the exportation of British commodities; since every measure which depresses the condition of the manufacturer, diminishes his means of consuming, and circumscribes his demand for the produce of the land.

14th. That the East India Company, who are under an obligation to furnish a remittance for a portion of the interest of the territorial debt, are liable to incur, and have actually sustained, a heavy loss in consequence of the high protecting duties levied upon East India sugars; and that this loss, which might have been avoided under a more equitable system of commercial regulation, has actually trenched upon a capital which may be regarded as national property.

15th. That the East India Company, precluded as they have lately been from the importation of sugars to any extent, by reason of the excessive duties, have found themselves compelled to have recourse to the importation of specie and bullion from their Eastern

possessions, as the only channel of remittance which was open to them. That upon this remittance, amounting in the last year to the sum of about two millions sterling, a loss must be sustained of not less than twenty or twenty-five per cent.,—and that, if it should be found necessary to continue the importation of specie in future years, either for the purpose of enabling them to fulfil their engagements to the public creditors, or for the purpose of defraying the territorial charge incurred in this country to the amount of about one million and a half sterling per annum, the loss must become of such magnitude as to affect the profits, or dividends, of the numerous body of individuals who hold an interest in the Company's stock.

16th. That the exportation of specie from British India, a country which is not known to possess any mines of the precious metals, must, if continued upon a large scale, soon produce a scarcity of the circulating medium; and that such a scarcity, by lowering, as it probably would do, the price of all consumable articles, the produce of the soil, must tend to create a difficulty in the realisation of the territorial revenue, and ultimately to reduce that revenue in proportion to the diminution in the value of the produce of the land.

17th. That the probability of such a result can scarcely be doubted by those who are aware that the land constitutes the chief source of revenue in India; and that, adverting to the fact of the gross revenue of our Eastern possessions being now supposed to exceed twenty millions sterling per annum, and to

have yielded in the last year, 1821-22, a net surplus of not less than two millions, it is manifestly an object of such vast national importance as to demand that it should not be placed at hazard by commercial enactments, originating in a desire to protect and favor a particular interest.

18th. That it is a solecism in political reasoning, and a proposition perfectly monstrous in a moral point of view, to maintain the right to exact the payment of a large annual tribute from a dependent territory, at the same moment that its produce and manufactures, from which alone such a tribute can be paid, are peremptorily excluded from the mother country by the imposition of prohibitory duties.

19th. That even admitting that the Government, as lords paramount of the soil, should succeed in realising the same revenue from the country, notwithstanding the fall of prices, the landholders and peasantry of our possessions in the East, who are under engagements to pay a fixed money-rent, must suffer from a diminution in the value of their raw produce; and especially in the instance of sugar, which is represented to be one of the most profitable articles of cultivation.

20th. That admitting further, that a scarcity of the circulating medium should not take place so as to occasion a sensible fall of prices, the persons engaged in the cultivation and manufacture of sugar, and other classes of industrious individuals, must suffer from the exclusion of that article from the home market; for, although it is quite true that

sugar will be grown in India while there is a demand for it in the general market of the world, it is by no means a slight injury to shut it out from that market to which it would be sent in the natural course of trade, and in which a rapid increase of consumption may be expected to take place under the influence of moderate prices.

21st. That the prosperity of the trade from India generally depends in a great degree upon the admission of sugar, since it is matter of notoriety that cotton-wool, raw silk, indigo, and other articles, constituting, as they do, a very light cargo, cannot safely be transported by sea without a certain proportion of dead weight; and that, if sugar be excluded, a portion of the tonnage of every ship carrying these light goods must either be occupied with ballast, yielding no freight, or with saltpetre, an article which cannot be imported at present without a heavy loss.

22nd. That the exclusion of East India sugars from the British market has consequently a tendency not only to divert the trade in that valuable article into a foreign channel, but also to force with it into foreign ports a portion of the cotton-wool, which forms the raw material of our most valuable manufacture.

23rd. That those deductions, which reason and theory long since suggested, have lately been made manifest by actual experience; and in no instance more remarkable than in that of coffee:—namely, that high taxes dry up the very sources of revenue,

and that moderate impositions upon commerce are often more productive than the highest duties; and that, applying these premises to the case of sugar, it may fairly be pronounced that the apprehensions inculcated of a decrease of revenue being the inevitable consequence of an equalisation of the duties, are as little reconcileable with the deductions of sound reasoning, as they are with the results of actual experience.

24th. That the argument founded upon the comparative security and permanency of our possessions in the West Indies, is not entitled to more weight or attention, since it might easily be made to appear that our insular possessions in the West, situated as they are in the immediate neighbourhood of an aspiring and powerful state, are much more exposed to the attacks of a foreign enemy than our extensive continental possessions in the East; while the slave population of the former, having almost before their eyes the example of St. Domingo, are less to be depended upon, and are more likely to break out into dangerous insurrections than the free native subjects of our Indian Empire, who enjoy the inestimable advantages of freedom, and who have hitherto been protected in their rights (with, perhaps, the single exception of commercial restriction), with a degree of care and solicitude characteristic of a benevolent and paternal Government.

25th. That while a well-founded reliance may be placed in the stability and security of our Indian Empire so long as that vast territory shall be admi-

nistered by a wise, just, and energetic Government, it is not intended, or wished, to conceal that it may be exposed to danger: that we may forfeit the attachment of the people upon which the very foundations of our empire rest: that they may be goaded by oppression, and irritated by injustice; and that it ought, consequently, to be a primary object of the British Legislature to remove all those commercial restrictions and prohibitions which are calculated to excite in the minds of our Asiatic subjects a sense of injustice—which may alienate their affections, and cause them to regard the domination of Great Britain as a calamity rather than a blessing to their country.

26th. That the East Indian interest, far from wishing to extend to their fellow-subjects those oppressive restrictions on commerce of which they themselves have so much reason to complain, are ready and willing to co-operate with the West Indian interest in soliciting from the Legislature relief from any remaining restrictions and disabilities under which they may still suffer, and which can be removed without compromising the general interests of the empire.

27th. That the East Indian interest would most cordially and zealously concur with the West Indian interest in urging upon the British Legislature the expediency, and still more the moral obligation they are under, of endeavouring, by all justifiable means, to put an end as soon as possible to that unhallowed and execrable traffic in human beings, which is still

carried on by some of the nations of Europe, and which constitutes the foulest blot in the history of the civilised world.

28th. That while the East Indian interest are prepared to deny and to disprove the claims to a protecting duty set up by the West Indian interest on the ground of *prescription*, they are ready and willing to co-operate cordially with their fellow-subjects in petitioning the Legislature either to substitute a moderate *ad valorem* duty on the importation of sugar, or to reduce the duties on East and West India sugars respectively to the rates* at which they stood in the year 1803; satisfied as they feel that these duties were then regulated on juster principles, and that a recurrence to them would, without involving a sacrifice of the public revenue, afford essential relief to those who are interested in the manufacture and trade in sugar, both in the West and East Indies.

29th. Finally. That with a view to these several considerations, it being apparent that the high and unequal duties at present levied on East India sugars do, in a greater or less degree, affect the interests of the British consumer—of the British manufacturer—of the agriculturist—of all those engaged in the trade and transportation of sugar, cotton, and other articles from British India—of the British capitalist who has invested his funds in India—of the landowners and peasantry of our Eastern possessions—of the manufacturers and merchants employed in carry-

* Viz.—On Muscovado . . . 20 shillings per cwt.
E. I. white sugars . . 22 do. do.
W. I. cloyed . . . . 23-4 do. do.

ing on the internal trade of those provinces—of the British and Indian shipowners—and, lastly, of the East India Company themselves, both from the large interest which they hold in the produce of the soil, and from the obligation they are under to continue the great organ of remittance from India—it is the bounden duty of the Honorable Court of Directors, of the Court of Proprietors of East India Stock, and of all others connected with, or taking an interest in, the welfare and prosperity of British India, to endeavour, by all lawful and justifiable means, to obtain the repeal of an arbitrary and oppressive tax, which is not reconcileable either with the views of an enlightened policy, or with the dictates of impartial justice.*

* Mr. Tucker had long been familiar with this matter of Indian Sugar. As far back as 1793-94 he wrote a treatise on the subject, which was embodied in Mr. Colebrooke's work on Indian Agriculture. More than half a century afterwards he was in close communication with Lord George Bentinck and others on the important question of the Sugar Duties, and was examined before a Committee of the House of Commons in 1848. He always insisted upon the necessity of encouraging the production of this article as a means of remittance to the mother country. Writing to Lord George Bentinck on this subject in May, 1848, he said: "I need hardly repeat that India can only discharge her annual tribute to the mother country, for a continuance, by means of her produce and manufactures; and if this country will not receive that produce at remunerating prices, the same amount of tribute cannot be realised. I have stated that sugar appears to me our most promising article of export from India; but at the present prices in this market it cannot be exported with advantage; and if the supply should cease, or be materially curtailed (which is certainly to be apprehended), I know not where a substitute is to be found. . . . . Again, I would urge, without presuming to point out the *quo modo*, that one of the greatest benefits which the British Legislature could confer on India and the East India Company, would be to encourage, by whatever means, the importation of sugar from our Indian possessions."

THE JUDICIAL SYSTEM.

LORD CORNWALLIS AND THE REGULATIONS.*

In the year 1793, the Supreme Government framed a code of regulations for the better administration of our Indian territory; and by Regulation XLI., which is, in fact, the keystone of the code, it was provided that "every rule or order that may be passed by the Governor-General in Council, regarding the administration of justice—the imposition or levying of taxes, or of duties on commerce—the collection of the public revenue assessed upon the lands—the rights and tenures of the proprietors and cultivators of the soil—the provision of the Company's investment—the manufacture of salt or opium—and generally all regulations affecting in any respect the rights, persons, or property of the natives, or any individuals who may be amenable to the Provincial Courts of judicature, shall be recorded in the Judicial Department, and there framed into a Regulation, and printed and published, as hereafter directed."

Lord Cornwallis, with that wisdom and foresight for which he was distinguished, was anxious, how-

* From a paper on the Settlement of the North-West Provinces, written in 1832.

ever, to secure the rights and interests of our native subjects by something more binding and authoritative than an enactment of the local Government. He was quite aware that the love of system, and the love of change, or fiscal cupidity, might at some future period predominate; and endanger, and perhaps overturn, the best and the wisest institutions. He accordingly, in concert with the able statesmen who at that time conducted the affairs of this country, procured to be enacted by the British Legislature a clause in the 37th George III., whereby the code of regulations framed for the Presidency of Bengal in 1793 was fully recognised and confirmed; while a general power of legislation was conferred prospectively upon the Government of India, in terms the most distinct and comprehensive. The very words of the preamble to Regulation XLI. are quoted; and as it appears to me of importance that we should keep in view this most important provision of the Legislature, I shall transcribe in this place section 8 of the Act of the 37th George III., c. 113.

"VIII. And whereas certain regulations for the better administration of justice among the native inhabitants and others, being within the provinces of Bengal, Behar, and Orissa, have been from time to time framed by the Governor-General in Council in Bengal; and among other regulations it has been established and declared as essential to the future prosperity of the British territories in Bengal, that all regulations passed by Government, affecting the rights, properties, or persons of the subjects, should

be formed into a regular code, and printed with translations in the country languages, and that the grounds of every regulation be prefixed to it; and that the courts of justice within the provinces be bound to regulate their decisions by the rules and ordinances which such regulations may contain, whereby the native inhabitants may be made acquainted with the privileges and immunities granted to them by the British Government, and the mode of obtaining speedy redress for any infringement of the same. And whereas it is essential that so wise and salutary a provision should be strictly observed, and that it should not be in the power of the Governor-General in Council to neglect or to dispense with the same: be it therefore enacted that all regulations which shall be issued and framed by the Governor-General in Council at Fort William in Bengal, affecting the rights, persons, or property of the natives, or of any other individuals who may be amenable to the provincial courts of justice, shall be registered in the Judicial Department, and formed into a regular code, and printed, with translations, in the country languages; and that the grounds of each regulation shall be prefixed to it; and all the provincial courts of judicature shall be, and they are hereby directed to be, bound by, and to regulate their decisions by such rules and ordinances as shall be contained in the said regulations; and the said Governor-General in Council shall annually transmit to the Court of Directors of the East India Company, ten copies of such regulations as may be passed in

each year, and the same number to the Board of Commissioners for the affairs of India."

It is not required by this enactment that the regulations of the Indian Government should receive the sanction of the home authorities, in order to their becoming valid and effective. They are not placed on the same footing as those rules and ordinances which, under another provision of the Legislature, must be registered in the Supreme Court before they can take effect; nor are they of the nature of certain other regulations, by which the Indian Governments are empowered to impose and levy duties of customs and other imposts at the three presidencies. These are not valid without the sanction of the home authorities; and for very sufficient reasons, because they imply the power to tax British commerce and British subjects.

But Lord Cornwallis would not have secured adequate protection to the rights of our native subjects, if, in bestowing upon them good laws, he had not at the same time provided independent courts of justice for the administration of those laws. He *did* establish such courts; and he rendered the officers of Government, and the Government itself, amenable to their jurisdiction. My conviction is, that if this great bulwark had not been provided, the Permanent Settlement, as sacred a compact as was ever entered into by a Government, would not have endured to the present day.

PROPOSED REVISION OF THE JUDICIAL SYSTEM.*

A very intelligent people enacted that the proposer of a new law should come forward with the terrors of death impending over him, and in thus discouraging innovation they acted upon the sound dictates of reason and experience. Change is in itself an evil. When any system has been once settled and established, habit comes in to its aid, smoothes away little difficulties, and reconciles trifling defects. It cannot then be disturbed without inconvenience, nor often without danger; and he who would innovate should not only be fully satisfied that there is a certain and a serious evil to correct, but he should also have the strongest grounds for presuming that the remedy proposed to be applied will remove it, or mitigate its effects.

It is matter of notoriety at present, not only that our system of police is very defective, but that our whole judicial system is so encumbered and unwieldy

* This paper is without date. It was written many years ago—perhaps about 1815. Many of the evils which it points out have been amended; at all events the system has been revised—for revision is not always amendment—and some of the changes introduced, on the abolition of the Provincial Courts (see Mr. Tucker's paper on "Our Revenue and Judicial Establishments"), had inherent defects of their own. It has been thought advisable, however, to insert the paper in the present collection, partly because it has a sort of historical value, partly because some of the remarks which it contains are still applicable to the present state of things, and some of the suggestions it puts forth may still be studied with advantage. Indeed, a considerable portion of it might have been written yesterday.

as to have become altogether inefficient. I will not undertake to explain what is already known, nor is it material to trace the causes of defects with any other view than to discover the appropriate remedy.

Many circumstances may have a prejudicial influence upon the good order of society, and some of these may operate without impeachment of the system of police. For example, the decay of manufactures, the high price of provisions, the disbanding of armies after the termination of war, &c., &c., may all tend to produce disorder; but such causes of derangement may be expected to have a temporary influence only. There are other circumstances which may be attended with more permanent effects —the habit of gaming, the immoderate use of spirituous liquors, and generally, all immoral habits and practices.

I myself am disposed to deduce very serious consequences from the increased and increasing use of spirituous liquors and drugs in these provinces; but the large revenue at present drawn from the Abkarry will, I fear, operate as an insuperable bar to the adoption of any plan having for its object the correction of this pernicious practice. Indeed, when the use of a powerful stimulant of the kind has once been generally adopted by a people, it is scarcely possible for a Government, acting upon the most benevolent principles, to eradicate the habit entirely.

I will not undertake to examine the merits of the

experiment which was resorted to a few years ago, for the purpose of invigorating and improving our system of police; because men of greater knowledge and experience* than myself have canvassed the plan, and after a very elaborate discussion, it is still vehemently condemned by one party, and as vehemently extolled by the other. I allude to the employment of Goindahs, or informers, as instruments of police. With respect to these persons I shall only observe that, as far as I had an opportunity of judging of their agency in the judicial situation which I formerly held, my testimony is decidedly against them. I regarded the employment of Goindahs as a measure pregnant with the greatest mischief; and I was satisfied that they were scarcely a less grievous burden upon the country than the bands of robbers whom they were employed to root out.

I do not mean to assert that a magistrate should not look abroad for information, or that he should not employ instruments to obtain it. I object to those roving commissions which have been given to men of questionable and even infamous character, under which they erect petty tribunals in the interior of the country, spread alarm wherever they appear, suborn evidence by the most shameless means, conjure up offences which have no existence but in their own atrocious machinations—levy contributions from those who are rich enough to pur-

* I was employed in the Judicial Department during a period of eight years, but I have long been detached from it.—H. St.G. T.

chase off accusation—and finally, drag the indigent and helpless to a jail, for the purpose of manifesting a merciless and mischievous activity.

These abuses are not the creation of imagination—I remember full well to have convicted a band of Goindahs of the most oppressive and criminal conduct; and if proof be required of the irregular and unjustifiable proceedings of these men, the public records will, I believe, supply it.

The bands of Dakoits which infest the country are, no doubt, a very serious evil; but there is no description of robber so formidable as the licensed freebooter, who acts under the sanction of law.

My attention, has, however, been directed chiefly to what appear to me defects in other parts of our system; and as these may, perhaps, be susceptible of a remedy, I shall venture to submit some propositions for the consideration of those who have the deepest interest in promoting the public welfare.

1st. Our provincial courts are inefficient from the great length of the circuits—the immense number of appeals, &c., &c.*

2nd. Our district magistracy is inefficient from the circumstance of the judicial officers being burdened with a variety of duties, civil and criminal, and from these duties being encumbered with innumerable and perhaps unnecessary forms.

3rd. The judicial officers are in many cases incompetent to the due discharge of their functions from

* The provincial courts were subsequently abolished by Lord William Bentinck.

want of experience, and from their possessing only an imperfect knowledge of the languages, manners, moral habits, prevailing opinions and prejudices of the people, &c., &c.

This ignorance of the moral qualities of the witnesses frequently disqualifies the magistrates for judging of *evidence*, and prevents them from scrutinising and exhibiting it to the superior courts in a shape to admit of those courts forming a satisfactory judgment upon it.

From these and other causes, upon which I shall not enlarge, the administration of justice in Bengal is notoriously defective; and as the difficulties which are already experienced may be expected to increase, it is to be apprehended that in the course of a short time the encumbered machine will stop altogether. I am far from presuming to think that I could construct a better system; but the simplest bystander may fortunately perceive, and seasonably remove, little obstructions, which, if allowed to remain, might embarrass and impede the action of the most perfect machinery. I will proceed, then, to give a brief sketch of the modifications which I think may with advantage be introduced into our present judicial system; and I will afterwards add such remarks as may be necessary for the purpose of explaining the grounds of the proposed alterations.

Provincial Courts.

1st. I would propose that the provincial circuits should be discontinued, and that the criminal court should be constituted a tribunal for superintendence and revision.

2nd. That the number of judges should be reduced to two; or, in the courts where there are now four judges, to three.

3rd. That the proceedings of the district magistrate should be referred to this court for revision in all cases where the punishment adjudged shall exceed twelve months' imprisonment, or fifteen strokes of the korah, or thirty strokes of the rattan.

4th. That the provincial court shall pass sentence without reference to the Nizamut Adawlut in all cases where the punishment adjudged shall be short of death, or perpetual imprisonment, or transportation for life, reserving only capital cases for the final decision of the latter court.

5th. That the provincial court shall try all charges brought against any magistrate, judge, or collector, or against any public officer, or servant, employed in the district courts, whether civil or criminal, or under the collectors in their judicial capacity.

6th. That the provincial courts shall entertain and try all suits in the first instance, when the value of the property contested shall exceed the sum of 1000 rupees.

7th. That the provincial courts shall receive, try,

and decide finally all appeals from the district courts, when the value of the property litigated shall exceed 100 rupees, and be less than 1000 rupees, the district judge deciding finally, without appeal, to the amount of 100 rupees.

8th. That the provincial courts shall decide finally to the extent of 5000 rupees in suits brought before them in the first instance when the judgment passed in full court may be unanimous; but in such cases, the individual opinions of the judges shall be recorded.

9th. That an appeal be allowed in all such suits to the Suddur Dewanny Adawlut when the judgment is not unanimous, and in all cases where the value of the property contested shall exceed 5000 rupees.

Zillah, or District Magistracy.

10th. That the present judges and magistrates be constituted magistrates only, the civil duties being otherwise provided for.

11th. That the magistrates perform the circuit of their districts twice in the year, visiting the Tannahs, hearing complaints against the officers of police, and holding a session at the principal towns.

12th. That the magistrates hold a continued session at the Suddur, or head station, when they may not be employed on the circuit.

13th. That the police Darogahs be superseded, and the duties of these officers, with some modifications, be committed to Zemindars and other respect-

able residents of the district, to be selected by the magistrate, and confirmed by the provincial court.

14th. That the salaries and establishments of the present Darogahs be transferred to these Zemindars, or other officers of police.

15th. That the magistrate preside at all criminal trials, assisted as at present by a Mahomedan law-officer; but that the verdict be given by a jury of natives.

16th. That the magistrate at every session be required to issue a Sunnud, or commission, appointing five of the most respectable inhabitants of the district or town (Mahomedans and Hindoos being chosen indifferently), for the purpose of officiating as jurors in the trial of all criminal cases.

17th. That these jurors be required to take an oath, or to subscribe the usual declaration, engaging themselves to the true and faithful discharge of the trust reposed in them.

18th. That the jurors be required to attend in court throughout the trial—that they be allowed liberty to examine the witnesses, and on the conclusion of the proceedings be required to give in their verdict declaratory of the guilt or innocence of the prisoner upon the whole, or upon any part of the charge.

19th. That in the event of the jurors not being unanimous in their verdict, the individuals be required to deliver their opinions in writing, with an explanation of the grounds of such opinions; and

that the court, to whose decision the proceedings may be referred, be required to pass sentence upon the verdict of the majority, if it be for an acquittal, or to mitigate the punishment at their discretion, if the verdict of the majority condemn the prisoner.

20th. That, in cases where the provincial court, or Nizamut Adawlut, may have reason to believe that some palpable error has been committed in the course of the trial, or that the jurors have been tampered with—these courts be empowered to order a new trial, and, if necessary, to nominate a new set of jurors.

21st. That after the verdict shall have been given and approved, the Mahomedan law-officer be required, as at present, to deliver in a Futwah, applying the law to the fact, but not embracing the proof.

22nd. That the Court be empowered to take the opinion of the Mahomedan law-officer upon the competency of evidence, and other points of law which may arise out of the trial.

District Civil Courts.

23rd. That in lieu of the present assistant judges and registers, a district judge be appointed in each Zillah and city, with a salary of 1000 rupees per month, and liberty to appropriate the fees payable on the causes which may be decided by them respectively.

24th. That the district judge be empowered to decide finally in all suits for property not exceeding in value 100 rupees.

25th. That the district judge be empowered to entertain suits for property to the amount of 1000 rupees; but that an appeal be allowed to the provincial court, when the value litigated shall exceed 100 rupees.

26th. That one or more native commissioners, referees, or arbitrators, be appointed, as at present, at the Suddur, or head station, of each district or city, with jurisdiction to the extent of twenty-five rupees; but that the commissioners who are spread over the interior of the country be recalled.

27th. That an appeal be allowed to the district court from the decree of the commissioners; but that the judgment of arbitrators, nominated by mutual consent of parties, be final in all cases, unless corruption be charged against the arbitrators.

Collectors' Court.

28th. That the collectors of the land-revenue be empowered to take cognisance of all suits between landlord and tenant, and between different landholders in cases of disputed boundaries, undue appropriation of crops, and other trespasses.

29th. That the collectors be empowered to decide finally to the extent of 100 rupees; but that an appeal be allowed to the provincial court when the value of the property litigated may exceed that sum.

30th. That the collectors be empowered to nominate commissioners, referees, or arbitrators, at the Suddur station, with jurisdiction to the same extent

as that which may be given to the same description of officers acting under the district judge.

31st. That the jurisdiction of the revenue commissioners be strictly confined to suits for disputed rents.

32nd. That the collectors' court be rendered the depository of the revenue registers, and of all records relating to disputed boundaries, the division of estates, the assessment of the public revenue, &c., &c.

33rd. That the Canoongoes, or other officers, be appointed under the collectors to prepare and preserve the revenue registers, &c., upon the plan recommended to Government by the Board of Revenue on the 15th November, 1808.

34th. That these officers be also employed in preparing registers of all rent-free lands upon the same plan.

35th. That an officer of record be constituted at the presidency, under the Board of Revenue, for the purpose of collecting, arranging, and preserving these registers upon the same plan.

Explanatory Remarks.

If I were called upon to describe the prominent features of our present judicial* system, I should say that it attempts too much—that it manifests everywhere a spirit of distrust—and that it mul-

* I am far from wishing to cavil at this system, which, in my opinion, with all its defects, still possesses great merit. Its founder, Lord Cornwallis, I revered as a genuine patriot—a brave and able soldier—a statesman who acted always on principles of justice—and, lastly, as a good and honorable man.—H. St.G. T.

tiplies checks and forms in such manner as to detach and fritter away responsibility, instead of fixing it in any particular quarter.

The police Darogah apprehends persons accused or suspected, takes examinations, and sends them up with a long train of witnesses to the magistrate. The latter officer examines the prisoners, takes the depositions of the witnesses a second time, and if he see reason, commits.

In many instances, however, this commitment does not take place until after the lapse of a considerable time; for the number* of persons apprehended in some of the districts is so great that months must elapse before it comes to the turn of persons accused to undergo the necessary examination. In the mean time they are crowded together in a place of confinement. If they be innocent, they will probably come out contaminated; and if they be guilty, opportunity is given them to intrigue with the low, sordid Vakeels, who hover about the criminal courts, to tamper with, and perhaps to intimidate, the witnesses, and to support, by perjured evidence, some fictitious story calculated to discredit the charge. During this period the prosecutors and witnesses are detained at much personal inconvenience to themselves. Their usual occupations are

* At Nuddeah there are, I understand, about 1500 persons in general under examination, and before their commitment or discharge can take place, they have already suffered a long confinement. This delay is in itself a severe grievance, and it is a punishment which every malignant character has it in his power to inflict on the innocent. The Goindahs are well aware of the use which can be made of it to extort money.—H. St.G. T.

suspended, and Government is subjected to a heavy expense in providing for their subsistence.

At the expiration of some months, the Court of Circuit appears at the station, and if the trial be not postponed to a future session (which happens not unfrequently), the prisoners and witnesses are again examined, and sentence is at length passed. But the fate of the parties is not yet decided, if the crime be of any magnitude, for in this case the proceedings must be referred to the Nizamut Adawlut (and, in some instances, to the supreme executive authority). Then the trial in reality commences; and if no material error should have been committed in the course of conducting the proceedings in the lower court, sentence of condemnation or acquittal is at length pronounced.

In a country where knowledge is generally diffused, and where the governors and the governed are the same people, complex and artificial arrangements are not always attended with material inconvenience; but when a foreign power, setting aside ancient institutions, undertakes to legislate for a conquered people, with whom it is only very imperfectly acquainted, the system which it may propose to substitute ought to be simple, intelligible, and easy of execution. Codes of laws have everywhere a tendency to grow; and whatever they be in their origin, they are liable, in the course of time, to shoot out excrescences which require to be pruned.

But what, let me ask, is the great utility of the Courts of Circuit? Do they bring justice to the

door of the party injured? Do they operate as a check upon the judicial officers? or do they place before the eyes of the superior court, and of Government, a true and comprehensive chart of the moral state of the community?

The judges have to travel on each half-yearly circuit a distance of from 600 to 1200 miles; much time is occupied in performing this tedious journey in a country where there are no conveniences for travelling. They find at every station more business than they can possibly get through with ease and satisfaction to themselves. It is hurried over;* they cannot wait to consider how it may best be done, they are compelled to study how it be most speedily done. Trials are put off to the next session whenever a plausible reason can be found for delay; and the exhausted judge, if he had leisure to look around him for information, would probably find all access to him barred in those instances where the misconduct of the district officers might render it of importance that he should scrutinise the proceedings of the local authorities.

I do not mean to assert that this description of the circuits applies universally. There are some distinguished exceptions, and the Circuit Reports of Sir H. Strachey, Mr. Stuart, and others, reflect honor on the service which has produced such men. These valuable documents are not, however, the offspring

* I have heard of a judge of circuit conducting two or more trials at the same time! Is not this a mockery of justice? Few of our judges have had the advantage of a professional education, and yet some are found to attempt what Lord Mansfield never dreamt of undertaking!!—H. St.G. T.

of a hurried journey. They are the emanations of reflecting minds; and their chief value consists in the acute discrimination of national character which they manifest, in the judicious use and application of general principles, and in the laborious and accurate attention bestowed to trace effects to their true causes. These reports might have been produced equally well, if the same men had never moved beyond the borders of a single province or district.

The judges of circuit, in fact, do little more than perform the office of a grand jury, and by employing them in this manner as a sort of sifting tribunal, we not only encumber and embarrass the execution of criminal justice, but we deprive ourselves of the means of providing adequately for the administration of justice in civil cases.

The magistrates, assisted by a few intelligent natives, would perform the functions assigned to the judges of circuit with much better effect. They would labor every case while yet warm from the forge—they would have it in their power to prosecute their inquiries on the very spot where the crime may be committed—they would have better means of becoming acquainted with local circumstances, and with the characters of the people placed under their authority—prosecutors and witnesses would not be carried away repeatedly to a distance from their homes, at great inconvenience to themselves and families—and the Government would not be subjected to a heavy expense in supporting them—all

the mischief of delay would be in a great degree prevented—punishment would follow more closely upon the commission of crime, would be more striking and impressive, and would operate in the way in which it is most desirable that it should always operate—in the prevention of crime. Prosecutors and witnesses would have less to apprehend, and the community might be brought to take a more active part in the prevention and detection of offences.

But it may be asked, perhaps, how I can reconcile it to principle that the power of apprehending, trying, and punishing, should be committed to the same hands? I reply that the cumbrous process which we have established is the fruitful source of those evils which I am anxious to see corrected. There are few temptations to corruption in the administration of *criminal* justice—confidence must in the end be reposed in some quarter, and power must ultimately be committed to some hands, however scrupulous we may be in the selection. The magistrates will, no doubt, be liable to error; but if the dread of falling into error is to operate as a perpetual check and discouragement, we cannot hope to accomplish anything good or useful. I do not propose to leave everything to the magistrate—the Provincial Courts will revise his proceedings in cases of magnitude; and to the Nizamut Adawlut will be reserved the power of passing final sentence whenever the verdict may adjudge death, or perpetual imprisonment, or transportation beyond sea.

If it be absolutely necessary that the conduct of

the magistrates should be watched, and that periodical reports of the state of the country should be submitted to the Nizamut Adawlut and to Government, the itinerant superintendents of police might be employed in the performance of this duty. The Provincial Courts, moreover, are not so remote as to be precluded from the exercise of an efficient control over the conduct of the district officers; and I have expressly provided that *all* complaints preferred against those officers and their servants should be brought before the Provincial Courts. By requiring, also, that civil suits of magnitude should be brought in the first instance into those courts, they will be resorted to more frequently by the natives, and be regarded generally as the central and superintending authority in the province.

It may be supposed that in assigning the magisterial functions to the principal officer of the district, and in taking from him all civil jurisdiction, I have rather neglected the civil concerns of the people; but I have been influenced by the consideration that it is of more importance to protect the person than the property of the subject, and that it is more necessary to protect his property against open violence than against the less alarming attempts of fraud and dishonesty. The district judges will certainly be men of less experience; but their jurisdiction will be limited, and the Provincial Courts must be looked to as the great safeguards of property in all cases where, from its magnitude, it could not be prudently entrusted to inexperienced hands, or where, from the

same circumstance, it is liable to become the object of intrigue, and the exciting cause of corrupt practices.

Even now, in some districts, the judge is compelled often to suspend the exercise of his civil functions, and to give a preference to the duties of magistrate; and if the business of the Dewanny Court proceed at all, the parties are principally indebted to the labors of the Registers.

I fear that I shall be suspected of an intention to revolutionise the natives, when I propose the institution of juries; but we must not be misled by *names*. I use this term for want of some better designation; but I have no idea of recommending the trial by jury in these provinces upon the model of that established in England. I wish to employ the agency of natives in *weighing evidence*. We cannot assimilate with the people of this country—we cannot enter into their characters, and we cannot, therefore, judge correctly of their words and actions. An endeavour on their part to conform to our ideas frequently misleads them and deceives us, and terminates in the absolute perversion of evidence. But the difficulties which a British judge experiences from this circumstance are so clearly and ably described by Sir H. Strachey, in a letter which is quoted in the Fifth Report of the Committee of the House of Commons, that it is necessary only for me to refer to this authority.

The jury should not be constituted a sort of standing tribunal, for in that case an opening might

be given for intrigue. The jurors should be changed frequently; and, indeed, "one of the best and most characteristic features of an English jury is, that the individuals composing it come to the performance of their important functions without any previous knowledge of the cases which they may be called upon to try, and without an opportunity being given to the parties to influence their judgments by the arts of intrigue, or by holding out to them improper inducements of any kind."

By employing a greater number than five jurors, we should only create confusion and prevent unanimous verdicts; and by reducing the number still lower, we should place in the hands of a few individuals a more active kind of power, which would be liable to be abused.

Incompetent as we are from circumstances to distinguish and appreciate the true tendency and value of native evidence, another difficulty is superadded by the mode in which our criminal trials are sometimes conducted. The depositions of the witnesses are usually recorded in the Persian language, which few of the deponents understand; and instead of taking oral examinations, the courts of justice not unfrequently, I believe, are content to read in a translation the evidence delivered before the magistrate, or the police Darogah. But, without insisting upon the difficulty (I might almost say, impossibility) of transfusing evidence with perfect accuracy from one language into another, I must observe that written evidence can scarcely in any case be made

to answer the purposes of parole evidence. Every person who has had the least experience in judicial proceedings must be sensible that the countenance, the manner, and even the tone of voice of a witness, constitute essential points of evidence.

We shall not, however, have advanced very far in the way of improvement by providing a more easy and expeditious mode of trial, if we do not at the same time provide for the apprehension of offenders, and for the suppression of acts of violence and outrage. Nothing, I own, can be more difficult than to provide effectually for the protection of the persons and property of the natives of the Bengal provinces. Their habitations afford no defence; they are little accustomed to the use of arms; and the timidity of their character is such that they are rarely found to resist open violence.

And what protection have we provided for them? The police Darogahs are absolutely useless as instruments of police; and sometimes, I fear, worse than useless. These officers are usually selected from among the servants and dependents of successive magistrates. They have been in the situation of Sircars or Jemadars, and in some instances, I believe, in offices still less respectable. The extent of country committed to their charge is such as to preclude their superintending it generally in person; and the number of Burkandanzes upon their establishment is not sufficient to keep in awe the banditti which infest almost every district. As far as my experience extends, it certainly has not furnished

me with any grounds for placing confidence in these officers, whom I generally found much more busy in fomenting domestic feuds and village disputes, and in bringing forward cases of adultery, and other offences against good morals, than in suppressing or resisting the more violent attempts against the public peace.

I am aware that attempts have been made to employ the agency of the landholders in the Police, and I know that difficulties oppose the substitution of their agency for that of the Darogahs. The separation of the Talookdars from the larger Zemindarries; the subdivision* of estates by sales, and in the course of inheritance; and the mismanagement or misfortunes of many of the ancient Zemindars, which have terminated in the dismemberment of their large possessions—are circumstances which have produced a great change in the organisation of the native community in the interior of the country. Mr. Stuart, in one of his reports from Benares, has well described this revolution, which has in reality broken the chain of connexion and dependency heretofore subsisting throughout the different gradations of society, and which has destroyed, or greatly impaired, the influence naturally attaching to the possession of extensive estates.

To the ancient Zemindars have succeeded a new order of landholders. Hindoos of various ranks and degrees, who, in the service of Europeans, or in the

* As a member of the Board of Revenue, I strenuously opposed the principle of facilitating and promoting the subdivision of landed property; but my voice was overruled.—H. St.G. T.

pursuit of commerce, have amassed great wealth, which they find it advantageous to invest in landed possessions. These persons, although better managers than their predecessors, do not, in general, command that respect which rank and family usually bestow, and they cannot, therefore, exert with the same effect that influence which is a substitute for power, or power itself in a milder form.

The separation of the Talooks, and the subdivision of the Zemindarries, have caused the different estates to be intersected in all directions; and this circumstance would prevent our assigning Police jurisdictions to the landholders with that mathematical precision with which we profess to describe the jurisdiction of the Darogahs. We cannot certainly form compact arrondissements, if we confine the authority of the Zemindar to his own estate; and if we extend it over the lands of his neighbours, jealousies and dissension may be engendered. This is a difficulty, no doubt; but I think it will be necessary to encounter it, and that we shall not succeed in effecting much improvement, unless we employ the principal Zemindars, and assign them jurisdiction over the inferior estates in instances where, from contiguity or otherwise, the arrangement would be attended with public convenience.

I am not at all confident that the plan of Police which I contemplate would be free from every inconvenience. What human institution is exempt from defects? Some objections occur, undoubtedly, to the employment of the Zemindars as officers of

Police. Their authority may be abused; but I cannot perceive that we have any alternative. No other agency within our reach is likely to be sufficiently powerful and energetic; and it is notorious that there is felt at present a want of that active power, which is necessary to quell turbulence and disorder, and to preserve the tranquillity of the country. The military power may occasionally be called out to suppress dangerous tumults; but it never can be advisable to use this power habitually, or on trifling occasions; and, indeed, it is the most expensive instrument of Police to which a Government can well resort.

It would answer little purpose for me to enter into more minute details on the projected plan of Police without knowing whether the outline is approved; nor shall I have occasion to offer many remarks in explanation of my propositions with regard to the administration of civil justice.

The multiplication of appeals is, in my opinion, a serious evil. We are never certain that the last decision will be more correct than the first; but we are quite certain that a suit cannot be passed through the ordeal of a court of justice without much inconvenience. The parties are subjected to a heavy expense in every stage of the proceedings; they lose what ought always to be of value—time; and their attention is diverted from useful occupations. The time of the public functionaries, which is the property of the community at large, and which ought to be a valuable property, is often

wasted unprofitably; and the accumulation of business becomes so formidable, that the judge, industrious as he may be, seeing no prospect of melting down the mass, is discouraged altogether from the attempt. We never work with cheerfulness and spirit when we see no end to the labor.

In a large proportion of the cases which come before our Courts, the appeal is prosecuted, not for the purpose of obtaining the correction of some notable blunder, but for the purpose of gaining time —of evading the immediate payment of just demands—or of embarrassing and distressing some personal adversary. The natives of these provinces, to whom the duel is little known, repair to our courts as to the listed field, where they may give vent to all their malignant passions. But should we encourage them in this perverted use of the forum? In my opinion, the combat should not be allowed—repeatedly, at all events. One appeal is surely sufficient in any case, and when we have obtained the solemn judgment of two disinterested men, we ought to be satisfied. Errors will still be committed, I admit, as long as human wisdom is confined within narrow bounds, and as long as human passions have sway; but it is better that a few individuals should suffer injury from the mistakes of a judge, than that the whole community should be harassed, and all the ends of justice be defeated.

We have proceeded upon the benevolent notion of bringing justice to every man's door, in constituting

petty tribunals throughout the country; but instead of bringing justice, we have, I fear, brought *litigation* to the hut of the peasant. The natives of this country, from various causes, are prone to litigation; and we have, I think, acted injudiciously in giving them so many opportunities of indulging this spirit. The universal dispensation of justice may well be regarded as the consummation of those great ends for which men unite in societies. We do not often reflect seriously upon the functions of a judge; but, in truth, the being who is elevated to this station is commissioned by us to perform the office which can alone be perfectly executed by Omniscience itself. He disposes of property, character, and life, and of that which is often more valuable than existence. I am aware that the business of life may be carried on without sublime theories; and that a Government, in nominating judges, must consider the practical purposes which these officers are destined to answer; but I contend that it is not prudent or safe to invest a great number of individuals with powers which are always liable to be abused. I have had no experience myself of the conduct of the native commissioners; but I have frequently heard complaints of their proceedings, and they ought not, I think, to be entrusted with authority in situations where their conduct cannot be superintended by European agency. It is better that the lower classes should submit to trifling wrongs, or that they should be obliged to travel some distance in the pursuit of justice, than that numberless petty tribunals should

be domesticated among them, at the hazard of exciting and perpetuating discord.

If it should be found that the courts proposed to be established at the head station of the district are not equal to the trial of the causes brought before them, I would suggest that the commercial residents, or other Europeans of respectable character, residing in the district, be empowered to try and decide suits for property to the amount of 100 rupees, in cases where their own servants or dependents may not be parties; or that native commissioners be appointed at the towns where there are European residents of this description, for the trial of suits for property to the value of 25 rupees, with liberty to the parties to appeal to the commercial resident.

Perhaps the agency of these officers might also be usefully employed in some instances in the Police; and they might either be appointed justices of the peace, or be invested with commissions to act under the magistrate.

I own, however, that the greatest improvement which I anticipate in the administration of civil justice, will arise from the employment of the collectors in the trial of revenue suits. One of the greatest mistakes which we committed in modelling our judicial system, was the abolition of the Maal Adawlut, or Collectors' Court; for of all the suits which are brought before our tribunals, the most perplexing are those which involve questions relating to rent, and the boundaries of estates.

Both landholders and tenants are alike unwilling

to exchange written engagements and acquittances, the one expecting to extort something more, and the other hoping to pay something less; and the judge, seeing himself without any evidence which can be depended upon, is compelled to decide at random. I felt myself so incompetent to adjust, in any satisfactory manner, a revenue account, that I was solicitous always to induce the parties to refer their case to the arbitration of some native officer of the court; and by taking a medium course between exaggerated pretensions on either side, it was sometimes possible to satisfy both parties.

The collector, however, from his experience, from his habits, from the greater leisure which he enjoys in many instances, and from the assistance which he would derive from the revenue servants, must evidently be much better qualified to try such cases.

It may be imagined that the rules prescribed in section 13, Reg. VIII., 1794, in section 21, Reg. V., 1812, and also in Regulation VI., 1813, provide sufficiently for the speedy adjustment of revenue suits; but it appears to me that the references which the judges are authorised to make to the collectors under those regulations, tend unnecessarily to swell the proceedings, and that no material benefit will be derived from the employment of the collectors, unless they be empowered to decide, as well as to conduct summary inquiries.

Still, however, the mere establishment of courts, well adapted as they may be to the purposes of justice by the nature of their constitution, will not be

found sufficient if those courts cannot command good and satisfactory evidence. It is matter of general complaint that the testimony of those among the natives who most frequently appear in our Courts, cannot be confidently relied upon; and I fear that the evil lies too deep for any remedy which I could apply, for it is to be referred to the moral character of the people.*

All we can hope to accomplish is to supply the defects of this evidence in particular instances; and with this view I have proposed the re-establishment of the office of Canoongo, upon the plan submitted to Government by the Board of Revenue in 1808, when I held a seat at that Board.

The utility, and I might say the absolute necessity, of maintaining an office of record for the purpose of registering transactions relating to the landed property of the country, must be apparent; although the office of Canoongo had, I believe, degenerated, and was, probably, in different instances perverted.

* I should have added, in justice to this people, that their defects are to be traced to the defects of their government. Falsehood and fraud are but too often resorted to by the weak against the strong. The people of India have many redeeming virtues.—H. St.G. T.

PUNCHAYET.

[Written in 1827.]

The "Punchayet" has been tried under more than one form; and it has been very generally rejected by those very parties to whom it was offered, under an impression that it was coveted by them as the greatest possible boon. Experience has, in fact, established that which reason might safely have predicated without an experiment:—namely, that the vague and undefined project resorted to for settling disputes, under the denomination of "Punchayet," is altogether unsuitable to the present state of society in British India.

If by "Punchayet" be meant a system of *voluntary arbitration*, no reasonable man can object to it; and the resort to this mode of arbitrament in civil cases, is both sanctioned and encouraged by the Bengal regulations of 1793.

If, under this name, we propose to give our European judges the aid of native assessors, or of a native jury under certain modifications, this is a proposition which may merit consideration; but which has not yet been brought forward in any distinct or debateable form. I, myself, am far from meaning to contend that useful auxiliaries may not be employed in our European courts; and still less am I

disposed to exclude native agency from the administration of justice. It is largely employed at present; and I am willing to hope that, under judicious checks, and a vigilant superintendence, the native Moonsiffs will, by-and-by, be found very fit and unobjectionable instruments for dispensing justice generally to their countrymen. If, on the other hand, it be proposed, either wholly or partially, to dispense with our European courts, and to substitute, under the designation of "Punchayet," an assembly of natives, taken promiscuously from the mass of the people, for the administration of justice, then, I say, we must be prepared to maintain that the uncertain dictates of private judgment are to be preferred to written law; and that untutored men are as likely to take a clear and comprehensive view of difficult and complicated questions as men who have been trained by education, study, and professional habits, to the examination of such questions. Such assemblies of friends and neighbours in a rude state of society, where the objects of contention were few and worthless, would naturally be resorted to, and would, no doubt, be perfectly competent to compound and settle petty disputes; but this is not the condition of society at present in the greater portion of British India. The people have written laws: they possess property: that property is liable to contracts of various kinds; and it is liable ultimately to be claimed by heirs upon various and dissimilar grounds. And, let me ask, could an enlightened Government say to this people—"Go, assemble your neighbours, and let

them settle your disputes in the best manner they can; for written laws are unnecessary, and courts of justice are a nuisance." (?)

I am not one of those who would wish to apply the same machinery to all purposes and under all circumstances; and if I could find, in any part of our territory, those respectable patriarchs whom the imagination of some writers has created, able and willing to dispense impartial justice to their countrymen with the aid of a little village council, I should readily admit that, in such situations, the more elaborate forms and process of our courts might well be dispensed with. But the advocates of "Punchayet," and of "Native Institutions," are apt to overlook entirely one great consideration—namely, the total and obvious inadequacy of such an institution as a protection to the people against *Government and its officers*. Let it be admitted that neighbours may arbitrate between neighbours; but no inconsiderable portion of the injuries suffered by the individual originate in the acts of the constituted authorities; and who is so ignorant of the people of India as to indulge a hope that a "Punchayet," or assembly of natives, can be rendered an efficient instrument to guard the rights of the subject against the encroachments of power and official oppression. It was one main object of the Regulations of 1793 to establish such a safeguard, and to interpose between the Government and the people an independent authority which should fairly and fearlessly decide between them. This authority itself

is controlled and directed by written law, promulgated to the people in their own languages. The system has unquestionably operated to curb violence and restrain injustice; and it is infinitely to be preferred to the state of anarchy which had previously existed.

I cannot for one moment believe that the enlightened members of the India Board can contemplate a return to this state of barbarism, under an anxiety to preserve to the natives their rejected "Punchayet," or other forgotten institutions; and I do regret that the Board should feel any unwillingness to meet and try the great question of Indian judicature, now that our different theories can be submitted to the safe test of experience, and that landmarks have been obtained to enable us to legislate for the people of India not merely upon those general principles which the statesman may sometimes apply too indiscriminately, but upon the knowledge acquired by us of the wants and wishes of the people themselves.

OUR POLITICAL RELATIONS.

[Under this general head will be given a selection from Mr. Tucker's numerous papers relating to the Native States of India, the external relations of the British-Indian Government, and the wars in which we have recently been engaged. The selection may be advantageously introduced by some passages from the unfinished work, quoted at the commencement of the collection, including a brief historical retrospect illustrative of the extension of our Indian Empire.]

GENERAL REMARKS.

We are connected with the Native States of India in a variety of ways, and some of our relations with them bear a perplexed and embarrassing character. It would be necessary to travel through a series of treaties,* in themselves extremely complicated, in order to show the precise situation in which we stand towards the different powers; but as this cannot be attempted at present, something will be gained by distributing those powers into classes, distinguished by some marked feature in the nature of our connexion with them.

In the first class are included those states which enjoy real independence, and exercise sovereign rights within their own territory, without any interference on our part.

* The collection of Treaties with the Native States, published in 1812, should be consulted by those who study the political history of British India.

2nd. Those states which enjoy a nominal sovereignty and territorial possessions, held under a guarantee of military protection on our part.

3rd. Those powers acknowledged to possess a beneficial interest in territories which are under our immediate control and management.

4th. Those powers who have lost their territorial possessions, and are now become mere dependents upon the British Government.

Our relations with the independent states do not involve any questions of peculiar difficulty. It is our interest to preserve with them a good understanding as neighbours, to maintain peace undisturbed; and we have no motive for forming a closer connexion with them, except in the possible case of a European power harboring designs which it might be our common interest to oppose. We do not covet their territory—we are already encumbered with a larger domain than we can successfully manage. The three provinces of Bengal, Behar, and Benares, are of more value than the rest of our widely-extended empire; and if they were insulated, or protected by an impenetrable barrier, we should be richer by being confined to this our first great acquisition and best possession.

The injunctions of the Legislature all breathe the genuine spirit of peace, and are intended to enforce a constant regard to the obligations of justice and good faith. The policy of the Court of Directors, and of the controlling authorities of his Majesty's Government, has always been pacific, and for plain

and obvious reasons—wars are invariably attended with a large expenditure of money, and are generally followed by financial embarrassment. The extension of territory seldom produces an increase of revenue commensurate with the increase of charge; and the empire of India, from its very magnitude, not only brings with it duties difficult of execution, but, like other enormous masses, it may be in danger of falling by its own weight.

How, then, it may be asked, have our Governments abroad been led to pursue one uniform career of conquest, in defiance of the solemn injunctions of the Legislature, and in opposition to the dictates of an obvious policy? Since it was our interest to be moderate, and just, and forbearing, how has it happened that we have encroached upon all our neighbours, and finished by absorbing the possessions of all who come into contact with us into one immense dominion?

When the ball has received its momentum, the hand can no longer arrest its course. The British Government was propelled onwards by a powerful impulse, and sometimes advanced because it was not safe to retreat, or even to remain stationary. I am unwilling to take a larger retrospect; but it may be useful to trace the origin of the wars which have taken place since the administration of Lord Cornwallis.

HISTORICAL RETROSPECT.

The first Mysore war, which commenced in 1789, was undertaken for the protection of an ally, the Rajah of Travancore; and it terminated, after a fierce and protracted struggle, by the defeat and humiliation of Tippoo Sultan, who was compelled to sacrifice a moiety of his territory to the allied powers —the Nizam, the Mahrattas, and the British Government.

But the son of Hyder Ali, with an instinctive hatred and dread of the British name, rallied again, and, in 1798, endeavoured to obtain support from an European power, just at the time when Lord Wellesley, who had witnessed the terrible energy of the revolutionary Government of France, assumed the administration of India.

The conduct of the Mysore ruler was weak and absurd; and if his movements had been unconnected with other circumstances, his hostility would have been little calculated to excite serious alarm. But a French party had obtained the ascendancy at the Court of the Nizam of the Dekhan, and were in military occupation of the country, while another French leader, General Perron, the successor of General du Boigne, governed, in the name of Sindiah, the districts around the imperial cities of Delhi and Agra, and a large portion of the Upper Doaub, or country lying between the Jumna and Ganges, and immediately bordering upon the territory of Oude, which we were under engagement to protect.

Egypt was not known to have been invaded at the time; but the Governor-General, abundantly alive to the dangers of French influence and power, determined to anticipate the threatened movements of the Sultan of Mysore; and, in one brief campaign, the usurpation of the short-lived dynasty of Hyder was annihilated, and the ancient Hindoo Government restored.

By another masterly operation the French party at Hyderabad was overawed and suppressed, and military occupation of the country was assumed by a British force.

In these instances it would be unjust not to admit that our wars were undertaken to avert a great and impending danger; and that conquest, and extension of territory, although contemplated, no doubt, as a consequence, was not proposed as a primary object.

But General Perron and a French corps remained; and by the cession of territory which was made to us by the Vizier of Oude in 1801, our frontier touched the very border of Sindeah, who, by means of his European officers, had disciplined a formidable army upon the model of those of Europe.

Here again was presented a state of things calculated to produce political uneasiness. The danger was unquestionably very much diminished since the subjugation of Mysore, and the dispersion of the French party at Hyderabad; nor can the command of armies and the mere possession of power, without the manifestation of hostile designs, be assumed as a legitimate ground for war; but it may be fairly

contended that the co-existence and proximity of a French and British force, maintaining a peaceful attitude, on the plains of Hindoostan, was scarcely possible while the two nations were waging a desperate struggle for national independence in every quarter of the world in which their arms could penetrate.

The campaigns of 1803 and 1804 left the power of Sindeah and Holkar in much the same condition as that of Tippoo Sultan after the dismemberment of Mysore by Lord Cornwallis. The Mahratta had cast away the sword and the lance, the appropriate arms of the predatory horseman, which had rendered him so formidable; and tying himself, as it were, to unwieldy artillery, in imitation of a people much more advanced in the science of war, he yielded to the skill, discipline, and valor of his opponent. His armies were overthrown and crushed —his country was subdued, and the districts around Delhi and Agra, and the whole of his possessions in the Doaub, became the spoil of the conqueror, and gave a wider range to British domination in Hindoostan. Our frontier advanced beyond the Jumna, and the military outposts of Loodiana and Rewarry: the former, on the banks of the western branch of the Indus, brought us into the immediate neighbourhood of the Seikhs, the Jaats, and Rajepoots of Central India.

After the termination of the war with Sindeah and Holkar, Hindoostan enjoyed a longer repose than usual, and there existed a political calm, which

has been most unjustly ascribed to a timid and temporising policy. The prudent and unostentatious Government of Lord Minto was engaged in tranquillising and composing the elements of discord, in circumscribing our political engagements, and in restoring order to our finances; and, in regard to the last of these objects, his lordship's administration, it will be admitted, was eminently successful.

The Marquis of Hastings took charge of the Government in 1813, and manifested, at a very early period, that his views of our foreign policy differed widely from those of his immediate predecessors.* He was evidently impressed with the opinion that the absolute supremacy of the British power throughout India must be maintained, and that the Native States must be united in one great federative league, under a supreme head, which should control and protect them.

This broad scheme of policy, which has found some strenuous advocates, is very much in unison with that which was for some time successfully pursued in Europe by the late ruler of France. The ostensible object was to organise the great family of nations, and to promote universal peace and harmony; but the plan necessarily involved the sacrifice of national independence, and, although it seemed to embrace a multitude of arrangements, it was perfectly simple in its own nature, and re-

* I do not think it necessary to refer to his lordship's minutes and correspondence, in which this opinion is expressed. It is throughout maintained and acted upon.—H. St.G. T.

ducible to one single proposition—the establishment of the well-meant despotism of a powerful state over all its weaker neighbours.

The attention of the Governor-General was first directed to the Goorka state of Nepaul, with which some border questions had arisen, as border questions will arise between states whose frontier is ill-defined. The tract of forest land at the foot of the hills had long continued a common barrier, of little value otherwise to either party; but as cultivation advanced, the lands became of more value, the Zemindars and others on the border pushed forward their cultivation and intersected the forest in different directions, until their possessions were intermingled, and disputes arose among them and the officers of police stationed on the frontier. Their adverse claims and petty conflicts, which had long been disregarded, as insufficient to call for or justify a national war, finally produced a resort to arms.

The valley of Nepaul had been deemed inaccessible to a regular army, and the country was defended by a brave and sturdy race of mountaineers. Our first efforts to penetrate were far from successful, and the service was so new and difficult, that much discouragement for a time existed; but the perseverance of Lord Hastings, seconded by the skill of the general and the valor of the troops, at length prevailed, and succeeded in planting the British banner on the snowy regions of the Himalyah. The spirit of the Goorka was subdued, and our northern

frontier was advanced into the mountain range by the acquisition of the province of Kumaon.

I do not pretend to the office of bestowing praise or censure; but it is impossible not to be struck with the unwearied industry with which Lord Hastings prosecuted his researches, and collected information and materials relating to the countries which were destined to become the theatre of his military operations. Even a civilian may be permitted to admire his military dispositions, his extensive combinations, the foresight and care with which he provided against contingencies and reverses, and his unshaken fortitude and perseverance in the prosecution of his designs to a successful issue. How sad a contrast was shown in the late Burmese war, which was apparently undertaken without plan or preparation, and which was fertile only in the display of that military prowess in the field, for which the army of India has been so long distinguished.

The Mahratta campaigns of 1817 and 1818 soon followed the war of Nepaul, and produced the usual result—an extension of territory as the fruit of military success.

A horde of freebooters, under the well-known designation of Pindarries, had grown up from the weakness or connivance of the Mahratta states, and had established themselves in the districts bordering on the Nerbudda river under different chiefs, who directed their movements and exercised an irregular authority over them, without the character or respon-

sibility of a recognised Government. Their numbers had greatly increased; their force assumed a more organised appearance; they had become the scourge of the neighbouring country, not sparing even the territory of the Peishwah himself; and they at length carried their audacity so far as to invade the British territory on the coast of Coromandel (or Northern Sircars), where they pillaged and devastated the country, and inflicted the most grievous calamities on the miserable inhabitants who happened to be within the range of their desolating course. They even menaced the rich provinces of Behar and Benares, which had not known the footsteps of an enemy for half a century.

At an early period, the Marquis of Hastings opened negotiations with the Newaub of Bhopal, and with a native chief, who had pretensions to the principality of Saugor, as these districts were considered to afford good military positions, or a sort of convenient fulcrum, from whence we might sweep away the pestilent banditti, whose enormities could no longer be tolerated by a Government which affected to secure protection to its subjects.

But several of the Mahratta states had claims upon Bhopal, and none of them were probably friendly to a movement which would place a British force in the very heart of their territories, while this force, by breaking their line of communication, must afford great facilities for the prosecution of hostile designs, should such be contemplated, against the different Mahratta powers of the Dekhan and Central India.

It is not to be doubted that the jealousy and fears of the Mahrattas were excited; and that, far from being disposed to co-operate with us in the suppression of the Pindarries, they dreaded much more the consequences of that success, which must have brought us into their more immediate neighbourhood.

These feelings soon produced an explosion. The Peishwah and the Rajah of Nagpore, apparently by a concerted and simultaneous effort, attempted to overpower and destroy the subsidiary force stationed in the vicinity of the two capitals of Poonah and Nagpore; and no common exertions could have warded off the insidious attack, or have averted the calamitous consequences which must have attended its success. But the energy of the British residents, and the steady and unconquerable fortitude of the troops, baffled the attempts of the enemy, and afforded another singular illustration of the superiority of discipline over the force of numbers.

The campaigns of 1817 and 1818, which embraced a very extensive line of operations, terminated in the captivity of the Peishwah, in the conquest of his capital and country, in the flight of the Rajah of Nagpore, and the total abandonment of his territories to the British power. The remnant of the ancient family of Sattara, which had once reigned as head of the Mahratta confederacy, was released from confinement, and assigned a principality; the state of Nagpore, circumscribed in extent, was re-established and restored to the next heir; and the British Government appropriated to itself such portion of

the conquered countries as seemed to be best calculated to consolidate its power, and to give it a more decided and undisputed ascendancy, as the supreme head of the nations of India.

It is impossible to look back without astonishment upon the rapid, yet regular progress of our advances towards this elevated station. Fortune seems to have attended us in every stage of our career; but fortune is a convenient term for expressing that which results from wisdom, energy, discipline, science, skill, and military virtue.

The occupation of Malwa, and the other arrangements consequent on the overthrow of the federative union of the Mahrattas, brought us into a direct and intimate connexion with the Rajpoot states of Central India, as well as the great feudatories of the Dekhan, and gave full scope to the project of Lord Hastings for establishing British supremacy in the East.

The Rajpoots, although among the bravest of the brave, had become tributaries to the Mahrattas, and had suffered grievous oppressions from that rapacious people. The states, from being divided into principalities, could not resist singly the Mahratta; and there existed no bond of union among them of sufficient force to induce them to combine for their common defence. They could not even repel the incursions, or resist the exactions of the Afghan adventurer, Ameer Khan, who, although nominally in the service of Holkar, had assumed the independence, and pursued the lawless career, of a Pindarry chief.

Having succeeded to the station and pretensions of the Mahrattas, we soon entered into treaties of friendship and alliance with all the Rajpoot states: —Joudpoor, Oudipoor, Jyepoor, Kotah, Boondee, Kirawlee, Bikaneer, Jessulmeer, Kishenghur, Doongurpoor, Banswarrah, and Purtabghur.

[The historical sketch, it is to be regretted, closes here. It is taken from a fragment of a work which, perhaps lacking time for its completion, Mr. Tucker discontinued. The following more general observations are taken from the same paper. The arrangement has been altered so as to separate the narrative and disquisitional parts of the paper, and render the former more continuous and complete.]

OUR POLITICAL SYSTEM—CHARACTER OF NATIVE GOVERNMENTS.*

The policy of Lord Wellesley had been to impose upon the Native States within the range of our influence, subsidiary treaties—to obtain, under these arrangements, military occupation of the country, at the cost of the state which enjoyed our protection, and thus to acquire the services of a military force, which might be used to preserve internal tranquillity, and to oppose the designs of a foreign enemy.

This policy was specious and inviting, but, as it led to political entanglement, it was not viewed with favor, nor at all countenanced by the authorities at home; and during the administration of Lord Cornwallis, Sir G. Barlow, and Lord Minto, a determination was shown to avoid such engagements, and to recede from those already contracted, as far as this could be done without the violation of an actual compact.

* From the same paper as the preceding.

Experience has since shown that, however plausible and unassailable the theory, this system has produced much inconvenience and embarrassment, and has been followed by consequences which were not probably foreseen, even by the comprehensive mind of one of the first of British statesmen. The princes and nobles of India are not prepared by education for the great business of public life—the civil administration of their country. If they have not war, they can scarcely be said to have any public occupation. They are brought up as boys in the Zenànà, or female apartments; and although they acquire very polished, and often very dignified manners, they see little of real life, and they have little opportunity of acquiring that knowledge of men and things which is so essential to those who are called upon by their birth and station to superintend the interests of a great community. Except when excited by war, or the sports of the field, or the exercise of horsemanship, and the use of the sword, they are indolent, and inclined to indulge in those sensual gratifications which tend to enervate the frame, and to indispose the mind for the difficult and laborious duties which the conduct of public affairs imposes upon public men. There are illustrious* exceptions, no doubt. Men of great energy, and possessing

* The Maha Rana Zelim Sing of Kota, and others. Even among the females some very remarkable characters have appeared. The Mahratta Princess, Ahilya Bhye, the heroine of Sir John Malcolm's tale, showed great skill in the management of public affairs, and a frame of mind which fitted her for a nobler theatre than that on which she performed so distinguished a part. The Oudipoor Princess, Khrishna Bhye, may challenge competition with all the Arrias of Rome.—H. St.G. T.

high endowments, have appeared even since the ascendancy of the British, which has unquestionably had the effect of checking the spirit of ambition, and of discouraging, on the part of the natives of India, those impulses which prompt to heroic action or useful labors, and which lead to honor and distinction.

In this state of things it has usually happened that the native princes, our allies or dependents, when invested with power, have been found incapable of carrying on the business of Government. They have generally fallen into the hands of favorites, who for the purpose of preserving their influence, and of engrossing all power in their own persons, have been studious to encourage the indolence, the extravagance, and the vices of their master. Thoughtless expenditure, necessarily leading to pecuniary embarrassment, the most ruinous expedients have been resorted to for raising funds to command some momentary gratification—the people are surrendered to the ruinous exactions of unsparing creditors, or rapacious revenue-officers — discontent is engendered — the country is made desolate—and nothing but the military force of the British Government is sufficient to repress insurrection, and to maintain the deluded prince in the possession of his worthless dignities.

BRITISH INTERFERENCE.*

And what, under such circumstances, do the dictates of honor and humanity, and justice and sound policy, prescribe to the British Government? Inexperienced persons, actuated by just and natural feeling, will readily answer the question; but it is not so easy of solution. Different courses have been tried. We have changed our system from time to time when we have found it productive of evil; but we have as often discovered in the alternative new sources of mischief and embarrassment.

Ought the British Government to abstain altogether from interference in the internal concerns of its allies or dependents?

Ought its interference to be partial and limited, so far as to correct, or mitigate, the evils of misgovernment, without superseding the authority of the prince?

Or, ought its interference to be direct and peremptory, in order to prevent the abuse of authority, to protect the people, and to rescue the country from anarchy and desolation?

The last expedient pointed at will have many advocates; but it involves the violation of treaties, and it would impose duties which we cannot successfully perform.

We cannot manage the wide territory already possessed by us in a way to do full justice to the im-

* From the unfinished work quoted in the preceding sections.

portant trust; and where are we to stop? Are we to engross the possessions of all our allies? We have gone on, after every war, advancing our frontier, but we still find new neighbours; and are these to be deprived of their independence, and to be subjugated to our domination, because they have not succeeded well in governing themselves?

Our great difficulty is not, however, with those states which enjoy real independence, such as that of the Seikh Chief, Runjeet Sing. It is with those whose independence has been guaranteed to them by treaty, while we have undertaken to protect them against foreign and domestic enemies by a military force.

But a direct interference with these allies involves the necessity of our undertaking the internal administration of their country. We must frame laws from a mass of crude materials—we must erect courts of justice, where none exist, which deserve the name—we must provide for an efficient police—we must regulate the system of revenue, and aid in the collections—we must select and support the minister, and superintend the whole business of administration;—offices, all difficult in their own nature, and peculiarly unsuitable to us as foreigners and strangers. But, even if the difficulties could be all surmounted, the great objection would still remain—that our interference would amount to an infraction of existing engagements, and an usurpation of recognised rights, to the discredit of our national character.

The second proposition supposes an interference

by friendly counsel and good offices; and this is the course of proceeding which has been most generally resorted to. But at the very outset a necessity occurs for supporting a particular minister, who is considered to be favorable to our views of policy, and of sufficient talent and energy to govern the country. Here the seeds of jealousy and discontent are immediately sown in the mind of the prince, who finds his authority superseded and his dignity infringed, and who becomes indifferent to the concerns of his country, and the welfare of his people. He confines himself to the retirement of the Zenànà—engages in low pleasures and puerile amusements—dissipates his treasures or his income—contracts debts—and soon sinks into a state of humiliation and distress. The British Resident is looked up to as the real ruler, for he appoints the ruler. Whatever may be his vigilance or the austerity of his virtue, his officers and dependents are prone to interfere and eager to establish a double authority or influence in the country. The ostensible minister must provide resources for the payment of subsidy or tribute, as well as for defraying the public charges; and being assured of support, he is reckless and careless about the means, and often resorts to the most mischievous expedients for raising supplies; the people are impoverished and discouraged by endless exactions; the country falls into a state of decay; and the whole obloquy attending this course of mal-administration falls upon the British name. Nor is it unreasonable that it should do so.

We are accessory, and mainly instrumental in the establishment of an anomalous administration. A nominal Government without authority—an unavowed ruler without responsibility. And after all, this system leads to direct interference; for when the revenues at length fail, and debts contracted under our guarantee accumulate, the country (as in the instance of the Guicowar and others) is placed under sequestration to redeem the pledge.

The plan of non-interference is not without its difficulties and objections; but it is that which accords best with the principles of justice, with the dictates of prudence and moderation, and the obligations of good faith.

What, then, are the difficulties attending it? Can we not forbear, when forbearance is enjoined equally by policy and justice?

The British Resident at the native court sees a great deal which does not square with our system and maxims, or with his particular notions. A bad minister is appointed, and he fancies that he could make a much better selection, and he is encouraged in this idea by all those who surround him, and perhaps by an intriguing party in the court of the prince himself. He feels a restless desire to be useful. This is increased, if the revenues are not well administered—if complaints are made against the Aumils, or collectors, or farmers—if the police be neglected—if riots and tumults occur—if banditti collect on the borders—if fugitive criminals from the Company's provinces be harboured and encouraged—if disputes arise between the subjects of the two

states. All these things will happen, and do happen; and the Resident, impelled by an irresistible desire to do good, cannot remain an indifferent spectator. A military force must be called in to avert an impending evil; but before we can employ it with propriety, an investigation must be made into the merits of the case—we must be satisfied that we are not countenancing oppression and supporting injustice. We interpose as umpires, and decide as dictators.

But the first step was a false one. We have no right to assume that the people of India are incapable of governing themselves in their own way. When their princes enjoy real independence, they are under the restraint of public opinion—they are liable to be checked, and even controlled by their nobles and military chiefs—they have feelings in common with their subjects, sympathy for their misery—they are alive to the charms of praise and renown, and not insensible to the value of those qualities which command it. The restraints may not always be effectual, nor the motives to good conduct so powerful as it is desirable they should be; but it is a mistake to suppose that popular opinion has no influence in India, or that the elements of an organised society are wanting.

When we interpose, the charm is dissolved. A military force is all in all—it resolves all questions—supersedes all responsibility—and the native prince, secluded in the recesses of the Zenànà, leaves the world to Cæsar.

TREATIES WITH NATIVE STATES.

After subduing the Mahomedan power of Mysore, and dispersing the French party at Hyderabad, it became the object and aim of the British Government to strengthen itself by "general defensive alliances," and to induce the Native States connected with it to disband their own irregular and disorderly troops, and to subsidise a British force for the general protection of India.

On the 12th October, 1800, a treaty was concluded by Marquis Wellesley with the Nizam of the Dekhan, by which we engaged to supply a corps of 8000 infantry and 1000 cavalry for the protection of his Highness' dominions; and to defray the expense of this force, the Nizam ceded to us the whole of the territory which had been acquired by him from Mysore after the successful termination of the contest with Tippoo Sultan.

Under a treaty concluded by Lord Teignmouth, in 1798, with the Newaub Vizier, Saadut Ali Khan, the Newaub engaged to pay an annual subsidy of 76 lakhs of rupees (about 760,000*l.*) in consideration of our undertaking the defence of his dominions; but on the 10th November, 1801, this arrangement was modified by Marquis Wellesley, the Vizier consenting to cede territory, estimated to yield an annual revenue of 1,35,00,000 Lucknow rupees (or 1,350,000*l.*), in consideration of our providing a military force for

the protection of "the territories remaining to his Excellency, against all foreign and domestic enemies," and for suppressing all "rebellions and disorders" which might arise in his Excellency's reserved dominions.

By the sixth article of the treaty it was stipulated that his Excellency should retain the exclusive administration of the reserved territory; but that "he should advise with, and act in conformity to, the counsel of the officers of the Company."

A great desire was manifested to extend these alliances, and to induce the neighbouring states to subsidise our troops; but the cautious Mahrattas stood aloof; and until the struggle between Sindiah and Holkar for the ascendancy at Poonah had driven the Peishwah from his capital, no success attended our endeavours to form a closer connexion with the Mahratta power.

When, however, the Peishwah became a fugitive for personal safety in Bassain, the favorable opportunity was not neglected; and on the 31st of December, 1802, "a general defensive alliance" was formed with his Highness, who engaged to subsidise a corps of 6000 native infantry, with the usual proportion of artillery, and to cede a territory estimated to produce a revenue of twenty-six lakhs of rupees (or 260,000*l.*) per annum for defraying the annual charge.

By the ninth article of the treaty, this force "was to be employed, if necessary, for the chastisement of rebels and exciters of disturbance, and for the due

correction of his Highness' subjects or dependents who may withhold the payment of the Sircar's just claims."

This treaty brought us into the very centre of Mahratta politics; and if it did not produce the war of 1803 and 1804, with Sindiah and Holkar, it was immediately followed by the rupture with those chiefs.

It has been contended that the Government of India, although so frequently involved in war, has pursued a *defensive* policy; and if it be meant that these wars have been undertaken generally to avert an impending danger, or a supposed evil, or to strengthen our position as conquerors, which our foreign character rendered unsteady and insecure—the proposition may be maintained with every appearance of reason; but our enemies might with equal reason contend that their combinations and other hostile demonstrations and movements had a defensive object in view.

The policy of the authorities at home has been invariably pacific; and if the obvious considerations of justice and prudence were not sufficient to account for the disposition, the very nature of the elements composing the Court of Directors would furnish the necessary explanation. Merchants and financiers find not their advantage in war, which is liable always to derange and impede commerce, and which occasions an excessive expenditure, leading generally to financial embarrassment. The Court share not in the triumph of victory, while they are held largely

responsible for the consequences of failure; and it is both their duty and their interest to provide those resources which are necessary to pay regularly the dividends of the Proprietors who elect them, and whose capital must suffer depreciation from financial derangement.

[To the preceding papers, setting forth Mr. Tucker's opinions regarding the conduct to be observed towards the native princes of India, the following brief extracts from documents, written only a very few years ago, may be appropriately added.]

Those who are eager for the extension of our territory, flatter themselves that we are extending our *power* as a necessary consequence; but the annexation of a principality to our gigantic empire may, in my opinion, become the source of weakness, by impairing our moral influence over our native subjects. I remonstrated against the annexation (I am disposed to call it *confiscation*) of Colaba, the ancient seat of the Angria family, to which allusion has been made in the Bombay minutes; and far from having seen reason to recall, or to modify, the opinion recorded by me on that proceeding, I have availed myself of every suitable occasion to enforce my conviction, that a more mischievous policy could not be pursued than that which would engross the whole territory of India, and annihilate the small remnant of the native aristocracy. There are persons who fancy that landed possessions in India cannot be successfully administered by native agency. In reproof of this notion, I would point to the Rampoor Jagheer in Rohilkund, which was a

perfect garden when I saw it long ago, and which still remains, I believe, in a state of the highest agricultural prosperity. Nay, I would point to the principality of Sattara itself, which appears to have been most successfully administered, both by the ex-Rajah, Pertaub Singh, and his brother and successor, the late Rajah Appa Sahib, who have done more for the improvement of the country than our own Government can pretend to have done in any part of its territory.

We are told, indeed, that our Government has become the "paramount power" in India, and, as such, may deal with its vassals and dependents according to the dictates of an enlightened policy. True—we wield the power of the sword, and our political supremacy is everywhere acknowledged; but we do not possess, and never can possess, the power to violate treaties—the power to do wrong and to commit injustice—the power to dominate over those who cannot resist us, while we hesitate to enforce it in our relations with those states who enjoy, with a larger territory, a greater degree of independence. To apply to the weak a rule which it would be unsafe to extend to the strong, would ill become the British character; and I must contend that, in giving effect to the obligations of a treaty, we consult alike the dictates of justice and of sound policy.

Annexation of territory is justified upon *political*

and *financial* considerations; for it is contended that the claims and pretensions of the individual must give place to considerations for the good of the many.

If this dictum were unreservedly admitted, it would go to the subversion of all property. It might be useful to the State to confiscate the wide domain of the Duke of Sutherland, or the noble patrimony of the house of Russell; but would such a proposition be seriously entertained for a moment in this country?

Our resources, it is said, are exhausted; our Treasury is empty; and we cannot undertake those useful works (roads, canals, bridges, &c.) which are required for the convenience of the many, and for the interests of commerce; but is this a ground for depriving any man of his inheritance?

It is further contended that the native princes are not in general well qualified for the successful administration of their territories; and that a great benefit will accrue to the people from the introduction of our principles, and the substitution of our superior agency.

That our principles and views are excellent, must be freely and fully admitted; and that our agency, in particular instances, has been eminently successful, may also be acknowledged with pride; but that our mode of administration is generally satisfactory to our native subjects, or would be generally preferred to their own, may well be doubted. Our manifold forms and operose proceedings they do not

always understand—our judicial and revenue processes are apt to embarrass them—the delays in administering justice are often very injurious; and parties are, I fear, just as liable to be maltreated by our native officials, as by the functionaries employed by their own rulers.

I do not go so far as to affirm that our native subjects would give a preference to their own princes; but I certainly think that the most unscrupulous of their rulers would scarcely have acted as we have done of late years in our eagerness to engross territorial possessions, and in the wholesale and indiscriminate resumption of rent-free tenures, under circumstances calculated to produce alienation and disaffection. May the time never arrive when this feeling shall find vent in some fatal explosion!

But grant that our agency is superior (as I hope it is), are we prepared to set aside the native princes in alliance with us, on the ground that we should become better administrators of their territory? Are we prepared to supersede the Nizam, the King of Oude, the Guicowar, the Rajpoot princes, and others, simply on the ground that the interests of the few must give way in favor of the many?

The propagation of such a doctrine could not fail to shake the attachment and confidence of every native prince and chieftain throughout India, and may at some future period lead to consequences greatly to be deprecated; consequences which cannot be contemplated without serious forebodings as to the future tranquillity of our Indian Empire.

[After the perusal of the preceding passages, a just conception may be formed of Mr. Tucker's opinions regarding both the justice and the expediency of the policy which it becomes the paramount British power in India to pursue towards the Native States. It is to be hoped that there are not many amongst us who will question the liberality and enlightenment of these views.] With Mr. Tucker, practice ever went hand-in-hand with theory; and the opinions, which he so forcibly expressed on paper, he ever supported with his voice and his vote in the council-chamber. One or two examples of the manner in which he carried out in detail the general principles here enunciated, are given in the following extracts. The paper on the Confiscation of Colaba, alluded to above, and given at page 257, is one which the writer himself especially desired to publish.]

CASE OF THE GUICOWAR.

[Written in 1844.]

. . . Would that our treatment of the Princes of India, and of the Guicowar among the rest, entitled us to assume a high standard of political morality;

True it is,
"Who bribes an officer, corrupts,
And is corrupted;"

but we must make allowances for the peculiar notions and usages of a people; and it is notorious that the natives of India attach no idea of moral wrong to the practice of offering Nuzzurs, or presents, to their superiors, for the purpose of propitiating them, and of obtaining a pledge of protection.

And what is the offence imputed to his Highness the Guicowar? and what are the real facts of the case?

During a series of years, various questions have arisen between his Highness and the British Government, of a nature to produce mutual dissatisfaction and estrangement; and several of these questions have remained unsettled to a late period, and especially that which arose out of our demand upon his Highness to maintain a body of cavalry, designated

"Robert's Horse," nominally for his service, and at his expense, but really for our own purposes.

It would be out of place and useless to enter into the merits of these questions, upon which I have long since recorded my opinions; but it will be seen that Dhàkjee Dàdâjee adroitly availed himself of our differences with the Guicowars, in furtherance of his own personal views.

That person was considered by his Highness to have unduly appropriated to himself while in office the sum of 7½ lacs of the public money, which he was accordingly made to refund; and the opinion of Mr. Elphinstone, who held the Government of Bombay at the time, appears to have justified the Guicowar in this proceeding, on the ground that improper charges had been made by Dhàkjee in his public accounts.

But whether his Highness had, or had not, a right to require the refund of the money alleged to have been embezzled by his own servant, there is reason to believe that Dhàkjee sought and obtained full indemnification from the Gomashtah of the Photadarry, Omeah Sunkur, his subordinate in office, although he contended that the sum exacted from this individual was in satisfaction of a private debt. . . . .

Now what is the real essence of this transaction? The Guicowar, kept in ignorance of the Court's orders, was duped and plundered by an artful man pretending to possess official influence, and known to have been patronised and protected by the Bri-

tish authorities, and to have been supported by us (most unjustifiably, as I have always thought), in opposition to the will of his own master.

Is it extraordinary that his Highness should have been imposed upon under such specious appearances? He thought that he was paying money which had been required from him, and he was willing to give it, in order to get rid of vexatious, importunate, and never-ending claims; for he was threatened with a demand for *interest* to an amount exceeding the principal of the alleged debt.

It is the mere affectation of public principle to charge the natives of India with the want of *moral rectitude*, when they are acting under *moral compulsion*. The Guicowar is duped, and abused, and plundered, because he could not help himself, or thought that he could not help himself; and this we tell him is a "grave offence." He ought to be pitied, and we reprimand him. Can we suppose that he gave away his money willingly to a man whom he had denounced? and would it not have been more to the purpose if we had expressed our concern that he should have been imposed upon by one who pretended to have the sanction and support of the head of the local Government? At all events, do not let us add insult to the injustice which we sometimes perpetrate in the confidence of superior strength.

And why do we refer to "numerous circumstances of a mysterious and very suspicious cha-

racter," without taking any steps to clear up the mystery, and to satisfy ourselves whether there be grounds for the suspicions intimated? The Guicowar's conduct and motives are plain enough. He parted with his money (reluctantly, no doubt) to satisfy a demand which he felt he had no power to resist successfully; and he hoped to obtain some indemnification by being relieved from a burden which pressed on his finances, and which was otherwise grating to his feelings.

THE CONFISCATION OF COLABA.

[Written in 1841.]

I entirely concur in the opinions recorded by my lamented colleague and friend, the late Mr. Edmonstone, and by other eminent members of the Court; and I will say that, neither in this Court, nor elsewhere, is an individual to be found whose opinions are entitled to greater weight and authority than those of Mr. Edmonstone, in applying the principles of national policy and political justice to cases arising out of our political connexion and relations with the native princes and chieftains of India.

That highly-talented member of the Court, whose place in it can never be adequately supplied, and who has left no equal behind him, mainly assisted, in the last year, in rescuing the Rampoor Jagheer from confiscation, or from what we are accustomed to call *resumption;* and it is highly honorable to the Presi-

dent of the Board that he paid deference to such unquestionable authority.

But the case of the principality of Colaba stands on higher grounds than that of the Rampoor Jagheer.

The latter was, no doubt, held under an hereditary and perpetual Sunnud, granted to the Newaub Fyze Oolah Khan, by the Vizier of Oude, upon a capitulation with the tribe of Rohillah Afghans in 1774; but it was still a Jagheer, or *fief;* and there might be some plea, or pretence, for treating it as an escheat in the case of a total failure of heirs, and other possible circumstances.

But the principality of Colaba has been held by the family of Angria for nearly two centuries, in a state of independence. It has never been in our possession. Our connexion with it rests upon the foundation of a formal treaty, freely contracted; and while a vestige of the Angria family remains, it belongs of right to them, and cannot be seized and appropriated by us otherwise than by an act of violence, perpetrated by our superior power. It is not pretended that the family is disaffected, or that this petty state has placed itself in the position of a public enemy, in such manner as to justify our Government in taking forcible possession of the territory.

It is assumed that the principality has lapsed to the paramount State, by reason of the failure of legitimate heirs; but I deny that a failure has taken place, for the right of adoption still exists; and I contend, also, that illegitimate descendants are not

excluded from succession, even under our own Government. . . . .

But the ground I rest upon is, that the widow of Raggogee Angria possessed, under the authority of that prince, which is not disputed, *the right to adopt, and still possesses that right unimpaired;* for although it remained in abeyance while there was the prospect of a natural heir, it revived as soon as the death of the posthumous child removed the bar to its exercise. The right of succession to honors and estates in our own country remains in suspense under similar circumstances; but it takes effect as soon as the intermediate bar is removed, either by the birth of a daughter, or the death of the posthumous child.

Adoption, with a Hindoo, is both a *right* and a *duty;* for the tenets of his religion require that, failing a natural heir, a substitute should be raised up to perform certain ceremonial rites enjoined by that religion; and even if we admit that the principality of Colaba was a mere dependency of our Government, and that the paramount State, in certain cases, can refuse to sanction an adoption, this power is not to be exercised lightly and capriciously upon insufficient grounds. It is a reservation intended to guard against irregular and illegal adoptions.

The right of adoption is somewhat analogous to that, under which, by means of a testamentary deed or will, we give a destination to our property in this country, after the demise of the testator; but with the Hindoo a religious motive is superadded to render the act of adoption necessary; and it would not

be more unjust to prohibit a British subject from executing a will, than it would be to prevent a Hindoo from raising up an heir by means of an adoption.

Whether the case before us be considered to involve a question of international law, assuming Colaba to be an independent state; or a question of inheritance, viewing it as a mere dependency—it is clear that there are no grounds for the forcible interference of the British Government. The principality is, at the least, a territorial domain, or estate, held under the protection of the law; and should the proprietor, or claimant, be compelled to resort to a court of justice in order to establish his rights, I cannot for one moment doubt that the august tribunal in the last resort in this country, would extend to him its protection, and grant redress for any wrongs which he may have suffered at our hands.

I never can satisfy myself that true policy can comport with injustice and oppression. The native princes and chiefs of India will see, in the fate of Colaba, their own future destiny; their fidelity and attachment cannot be relied upon while they have such cause for distrust and alarm; and although they may be overawed and kept down by an irresistible military power, the occasion may arise when their hostility might become dangerous. The feelings of our Indian subjects are not to be trifled with; and it is not wise, nor safe, to depart from that conciliatory conduct, and to efface from their minds those impressions of our justice, wisdom, and good

faith, which have hitherto constituted our bond of union with the people, and the true basis of our power in India.

THE DAWN OF THE AFGHAN WAR—THE TRIPARTITE TREATY.

[It is well known that Mr. Tucker was one of those able and right-minded men who bitterly deplored the unjust and impolitic invasion of Afghanistan, the melancholy issue of which so fearfully justified the anticipations of evil which they so emphatically pronounced. It is well known, too, that he did more than anticipate evil—that he resolutely set himself to stem the tide of coming disaster by lifting up a warning voice, and endeavouring to infuse greater wisdom into the councils which were then dominant. He never omitted an opportunity of recording his opinions and demonstrating that the war in which we had so insanely embarked was at once a great political blunder and a great national crime. The papers which have been selected in illustration of this, exhibit the growth of these opinions from the early part of 1839 to the close of 1842. The following paper bears the first of these dates.]

On the 20th of June, 1838, a tripartite treaty of alliance between Runjeet Singh, Shuja-ool-Moolk, and the British Government, was concluded at Lahore, the professed object of which was to reinstate Shuja-ool-Moolk on the throne of Caubul.

On the 1st of October following, the Governor-General of India issued a proclamation, declaring war against Dost Mahomed, the *de facto* ruler of Caubul, and the princes of Candahar, his brothers.

On the 8th of November, the Governor-General, on hearing from Colonel Stoddart that the siege of Herat (the real cause of war) had been raised, issued another proclamation, declaring "that he will continue to prosecute with vigor the measures which have been commenced, with the view to the substitu-

tion of a friendly for a hostile power in the eastern provinces of Afghanistan, and to the establishment of a permanent barrier against schemes of aggression against our north-west frontier."

In the course of the same month (November) a large army advanced from the Jumna to the Sutlej, where the command was assumed by Sir Henry Fane, the Commander-in-Chief, who issued a general order for regulating the conduct and discipline of the troops composing "the army of the Indus" on its advance to that river.

In the course of December this army was broken up, the Commander-in-Chief taking a formal* leave of it in general orders—one-half, it was supposed, is to return to the Provinces, or to be cantoned on the Sutlej; while the other moiety is destined, as it is understood, to form a military line of defence from Ferozepore, on the Sutlej, to Shikarpore on the right bank of the Indus, thus establishing a communication with the Bombay army.

There may have existed good and sufficient reasons for retracing our steps from the Sutlej to the Jumna; but the same considerations ought to have prevented our advance only a few weeks previously; and, without some explanation, the sudden change of plan would seem to indicate an infirmity of purpose which has seldom characterised our councils in India.

Our late proceedings in India have been made the subject of critique and ridicule by the Indian press, and must have tended to lower our national charac-

* See G. O., 30th of November, 11th of December, and 27th do.

ter; nor can it be doubted that, to lower the character of any Government, and the Government of India beyond all others, perhaps, is to diminish its moral influence and power, and to affect even its stability.

But the financial evil which must be produced is immediate and certain. Our military expenditure must be enormous, independently of the charge for subsidies, political establishments, &c., &c. We have already deemed it necessary to reduce our demands upon India in the ensuing year to the extent of a million sterling; and should our military operations be carried on for any time on the scale indicated by our late movements, it is impossible that any surplus revenue should exist in India, applicable to the payment of the home charges. In this case, the dividends to the Proprietors of India Stock, and other disbursements in this country, must be provided for by means of loans to be raised in India.

If, moreover, it be determined to run a line of military posts from the Sutlej to the Indus, in order to place the Bengal army in communication with that of Bombay, we must occupy Bhahawulpore and several stations in the Scinde territory; but will the Ameers submit to this? and upon what grounds of justice can we insist upon planting a military force in positions which must compromise their independence? Upon what grounds can we justify a war originating in such an aggression? and have we nothing to apprehend from the hostility of the Scindians, the Beloochees, and other tribes, through whose territory our supplies

and reinforcements must pass to support the army in advance?

If it were just and politic to dethrone Dost Mahomed for the purpose of reinstating Shuja-ool-Moolk, why should not Runjeet Singh have undertaken the military operations? He is to derive the chief advantages: his advanced positions in Peshawur border upon the dominions of Caubul; and he could fall back upon his magazines and reinforcements behind the Indus, in the event of his experiencing any disaster, or check, in his advance upon Caubul or Candahar.

The Maharajah not only appears to entertain apprehensions of Dost Mahomed, but he manifested a good deal of uneasiness when Shuja-ool-Moolk advanced to Candahar in 1833, and he showed no disposition to countenance the expedition; and it is maintained by a high authority* that he made a false step in subjugating and expelling the Barukzyes of Peshawur, as they would have interposed a barrier between the more powerful tribe of Dooranees and his possessions east of the Indus.

We appear to contemplate the formation of three lines of defence to the west of our Indian territory.

The first, by means of the occupation of Candahar and Caubul by Shuja-ool-Moolk.

The second, by enlarging and strengthening the dominions of Runjeet Singh.

And the third, by advancing a line of military stations from the Sutlej to the Indus.

* See Major Wade's letter of 1834.

But the first of these projects depends upon the success of a difficult, hazardous, and expensive expedition; the second hangs upon the life and the *good faith* of Runjeet Singh; and the third must entail upon us an enormous expense, at the same time that it can scarcely be accomplished without a violation of national rights and independence, nor without the probability of our being involved in an unjust and aggressive war.

Whatever view I take of the question, I arrive at the same conclusion, that we have commenced our operations in the wrong quarter—that they are directed against an ostensible, but not the real enemy—that a single monosyllable would probably have arrested the progress of Russia, if addressed to her with firmness and in perfect good faith—while all our armies may be moved in vain from the east without touching that Power, and without preventing her stealthy advance, and the success of her intrigues to push forward Persia and the Afghans towards the Punjaub, and ultimately, perhaps, to our north-west frontier.*

* It will be seen that the paper from which these passages are extracted, was written before the precise character of our military operations beyond the Indus was known in this country. They are of importance, however, as exhibiting the fact that, from the very first, when these operations were supposed to be of comparatively limited extent, Mr. Tucker vigorously remonstrated against them.

BRITISH POLICY IN CENTRAL ASIA.

[The following paper, written early in 1839, contains a vigorously-written summary of Mr. Tucker's views regarding the Central-Asian policy which had been forced by the home Government upon the Court of Directors. There was no one point which the writer was more anxious to bring prominently forward than the fact that the war in Afghanistan was made for European purposes, and was mainly the work of European statesmen. He never lost an opportunity of protesting against the injustice of burdening the finances of India with the expenses of a war undertaken, not for the promotion of Indian interests, but for objects connected with a tangled web of European intrigue.]

I propose to submit in the present address the substance of a protest which I prepared some time since, on receiving an intimation from the Chairman (of the Court of Directors), that the President of the (India) Board would not authorise the Secret Committee to communicate to the Court the correspondence with India explanatory of our new alliances, and of the extensive military movements then in progress.

It is the more necessary that I should take this step for my own eventual justification, as we were yesterday called upon to concur in an augmentation of the European force in India; while the proposed augmentation, under the view which I take of our present position, political and military, appears to me not only inadequate, in degree, to the emergency, but (owing to the delay which must occur in raising, training, and conveying recruits to India) unlikely to afford that prompt and seasonable reinforcement which the exigency of the service would seem to demand.

One prominent point I cannot too often or too

strongly impress upon the Court. It is evident that her Majesty's Government have now thrown upon the finances of India the whole burden of maintaining a contest which is manifestly connected with *national* objects, and which may not necessarily have had an Indian origin; and it is also clear that, as we have no longer any voice or control in the management of our relations with Persia, the East India Company may be engaged, at any time, in war, or questions relating to *European* objects and politics, to the great risk and injury of the Proprietors of East India Stock, and of our Indian creditors and others, without our possessing any means of protecting pecuniary interests (involved in a property of not less than fifty millions sterling) which are especially committed to our care.

As an independent member of the Court of Directors, I cannot submit in silence when I see such interests placed in peril; and if I am not furnished with public and authentic documents to assist me in arriving at just conclusions, I must work with such materials as I find within my reach.

I am fully aware of the tenor and scope of the 36th section of the last Charter Act;* and while

* This is the clause referring to the powers of the Secret Committee:—"Provided also, and be it enacted, that if the said Board shall be of opinion that the subject-matter of any of their deliberations concerning the levying war or making peace, or treating or negotiating with any of the native princes or states in India, or with any other princes or states, intended to be communicated in orders, despatches, official letters or communications to any of the Governments or presidencies in India, or to any officers or servants of the said Company, shall be of a nature to require secrecy, it shall and may be lawful for the said Board to send their orders, despatches, official letters or communications to the Secret Committee of the said Court of Directors, to

treaties are in process of negotiation, I should not be so indiscreet as to call for premature disclosures; but I cannot believe that the Legislature intended to constitute this Court the mere unreflecting instrument of the Board; and I am quite certain that we cannot properly execute the duties entrusted to us, unless we be made acquainted with the state of affairs in India, and with the nature of the service proposed to be undertaken by our armies. We have private means of information, no doubt; and we can gather something in an authentic shape from the public newspapers; but we have no *official* documents upon which to form our judgment, although we are called upon, from time to time, to concur in measures of the utmost importance, both financial, military, and political, in utter ignorance of the circumstances which may have given rise to them, and which might justify us in becoming a party to the proceeding.

I consider the Chairs of the Court of Directors, the Secret Committee, and the Court itself collectively, to be bound by every obligation of public duty to give its best advice and assistance in all matters connected with the administration of India—to remonstrate against wrong measures—to avert evil as far as possible—and to co-operate cordially with the Board in promoting to the utmost the welfare of

be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit the same according to the tenor thereof, or pursuant to the directions of the said Board, to the respective Governments and presidencies, officers and servants; and that the said Governments and presidencies, officers and servants, shall be bound to pay a faithful obedience thereto, in like manner as if such orders, despatches, official letters or communications had been sent to them by the said Court of Directors."

India; and should this duty be neglected, I hold the Chairs and the Court to be directly responsible to the country.

Before I enter upon a review of the present state of affairs in India, as deducible from Lord Auckland's manifesto, Colonel Stoddart's letter, and other documents which appear in the Indian papers, I would call the attention of the Court to the correspondence which is to be found recorded in our proceedings of January, 1835.

It had long been felt that our connexion with Persia was most burdensome to the finances of India. During the last forty years the charge for embassies, subsidies, military stores, &c. &c., had amounted to an enormous sum, while it was not at all apparent that any real benefit had been derived from this expenditure. The court of Teheran was insatiate in its demands for money, and we were lavish in the supply of it; but over its application we could never exercise any efficient control; and we had no satisfactory assurance that our supplies might not be applied to objects quite unconnected with our own immediate interests.

The distance of Teheran from Calcutta, and the many intervening obstacles, rendered the correspondence with the Government of India tedious and uncertain, and prevented the possibility of that Government exercising a prompt and efficient control in any case of sudden emergency.

And with our line of communication interrupted by a foreign territory of vast extent, and that terri-

tory intersected by inhospitable deserts, and by mountainous regions of difficult access, it became apparent that no military movement could be undertaken from India, either for the purpose of supporting or coercing Persia, without extreme difficulty, and the risk of a disastrous result.

It was notorious, at the same time, that Persia was too feeble to maintain her own independence—that Russia was at hand in a commanding military position, anxious to establish a paramount influence, and bent upon using that influence to promote ulterior objects—that the Indian Government had no power to counteract its designs—that even the bribe of money could not render a weak and corrupt court steady, and proof against the effects of fear—and, in short, that Russia, holding the vantage ground, and not being tangible from India, no means could be resorted to in that quarter for the purpose of averting the evils to be apprehended from her continued advances eastward, with any chance of success.

From these premises it was deduced that our connexion with Persia, the moving power being Russia, had become essentially an *European question*, and that against an European state, so circumstanced, the protection of our Asiatic possessions must depend mainly upon the exertion of that *national power*, which had hitherto upheld the British dominion in all parts of the world against all its enemies.

It was accordingly resolved* by her Majesty's Government and the Court of Directors, in January,

* See Proceedings, January, 1835.

1835, that the Persian embassy should be transferred to her Majesty's Government, the East India Company undertaking to defray the charge, to the extent of 12,000*l.* per annum; and from this period I have been accustomed to consider that any measures of repression which the encroachments and intrigues of Russia in the East might render necessary, would be undertaken in the only quarter in which that Power can be successfully assailed or resisted.

But how, let me ask, has this proposition been worked out to a practical conclusion? Has the late arrangement precluded the necessity for sending forth our armies upon distant and hazardous enterprises, to accomplish ends which were heretofore deemed to be unattainable? Have the finances of India been secured against a wasteful and unprofitable expenditure upon costly expeditions, promising neither political advantages, nor military glory?

The manifesto of the Governor-General of India, published on the 1st of October last, answers these questions to a certain extent. It contains a declaration of war; but war against whom? Against Russia, which notoriously prompts all the movements of Persia? By no means.—That Power is never mentioned, and we are ostensibly on a footing of friendship and cordiality with the Czar. We have an ambassador at St. Petersburg, and we receive an ambassador at St. James'.

Is, then, the war about to commence to be directed against Persia? Certainly not. Our minister has

returned* to Teheran; and an envoy from Persia is understood to be on his way to the British capital. Besides, the second manifesto of the Governor-General, bearing date the 8th of November, would seem to place this question at rest. Colonel Stoddart reports officially that the siege of Herat† had been raised, and that the Shah had retired; while the abandonment of this enterprise has apparently removed all difficulties in the way of re-establishing our friendly relations with the court of Persia. It is true that the military demonstration in the Persian Gulf bears a hostile character towards the Shah, from its obvious tendency to encourage insurrection and rebellion in his southern provinces; but the force is too insignificant to make any other impression; and except in so far as it may promote an object, scarcely reconcilable with political morality, we may now assume that no other purpose is to be answered, and that the Persian branch of the question has, for the present at least, been disposed of.

The manifesto of the 1st October must therefore be now considered as applicable exclusively to Dost Mahomed, the ruler of Caubul, his relations, the princes of Candahar, and their tribe of Barukzyes; and it is these parties to whom the Governor-General evidently refers in his subsequent proclamation of the 8th November last, wherein he observes that "while he regards the relinquishment by the Shah

* This paper was written in January; a circumstance which will account for some apparent anachronisms.—H. St.G. T.

† See *Bombay Gazette* of the 20th of November.

of Persia of his hostile designs upon Herat as a just cause of congratulation to the Governor of British India and its allies, he will continue to prosecute with vigor the measures which have been commenced with a view to the substitution of a friendly for a hostile power in the eastern provinces of Afghanistan, and to the establishment of a permanent barrier against schemes of aggression against our north-west frontier."

Now, let us inquire what are the grounds of complaint alleged against Dost Mahomed and the princes of Candahar, his brothers?

It is stated in the Governor-General's manifesto, that it was proposed, "by opening the navigation of the Indus, to facilitate the extension of commerce, and to gain for the British nation in Central Asia the legitimate influence which an interchange of benefits would naturally produce."

But it is not shown, nor even pretended, that Dost Mahomed, by any overt act, or secret counteraction, attempted to obstruct us in this peaceful pursuit; and even if our operations had inspired the Afghan ruler with some misgiving and a little distrust, this ought not to create surprise, recollecting as we must do, and as the people of Asia unquestionably do, that, although we begin generally as traders, we always finish as sovereigns. Commerce has been the point of the wedge which military force has driven in; and by a very natural progression, territorial dominion has constantly followed.

The anti-commercial Afghan having, however, some cause of difference "with our *ancient* ally,

Maharajah Runjeet Singh, it was to be feared" (as the manifesto proceeds to declare) "that the flames of war being once kindled in the very regions into which we were endeavouring to extend our commerce, the peaceful and beneficial purposes of the British Government would be altogether frustrated. In order to avert a result so calamitous, the Governor-General resolved on authorising Captain Burnes to intimate to Dost Mahomed Khan, that if he should evince a disposition to come to just and reasonable terms with the Maharajah, his lordship would exert his good offices with his Highness for the restoration of an amicable understanding between the two Powers."

In other words, we propose to introduce our commerce into certain independent countries some eight hundred miles distant from our frontier; we find two of these states at variance with each other, which we previously knew to be the case; we tender our friendly mediation; but one of the parties "persisting in urging the most unreasonable pretensions, such as the Governor-General could not, consistently with justice and his regard for the friendship of Maharajah Runjeet Singh, be the channel of submitting to the consideration of his Highness," what do we do? Do we quietly withdraw, and leave the parties to settle their own disputes? No such thing. Commerce is to be introduced, and the blessing of peace to be secured by the instrumentality of war, and we then proceed to find out some latent cause of offence which shall justify us in forming a tripartite alliance, and in equipping our armies for the field.

The offence of Dost Mahomed would appear to be

that "he avowed schemes of aggrandisement and ambition injurious to the security and peace of the frontier of India; and that he openly threatened, in furtherance of these schemes, to call in every foreign aid which he could command. Ultimately he gave his undisguised support to the Persian designs on Afghanistan, of the unfriendly and injurious character of which, as concerned the British power in India, he was well apprised: and by the utter disregard of the views and interests of the British Government, compelled Captain Burnes to leave Caubul without having effected any of the objects of his mission."

The chiefs of Candahar are comprehended in this political indictment in the following terms:

"The chiefs of Candahar (brothers of Dost Mahomed Khan of Caubul) have avowed their adherence to the Persian policy with the same full knowledge of its opposition to the rights and interests of the British nation in India, and have been openly assisting in the operations against Herat."

I am not prepared to say that there may not be facts to warrant this announcement, although it is somewhat startling, because Governments, and Asiatic princes in particular, are not much in the habit of divulging their intentions, and of proclaiming their ambitious views, until prepared to draw the sword.

It is unquestionable that the Persians and Afghans, if supported and pushed forward by Russia, might penetrate into the Punjab; and should our "*ancient* ally," Runjeet Singh, whose armies are disciplined

and led by *French officers*, be induced to concur in the design, and to co-operate in the enterprise, such a combination might become formidable to the British empire in India; but Russia is not even mentioned in the proclamation, although the real aggressor, without whose aid and incitement not one of the Powers alluded to would venture to place a hostile footstep within our frontier.

And why has not Russia been brought forward as a party in our warlike denunciation? Because it is not convenient for the home Government to enter the lists with that Power in Europe, and because it is more convenient to throw the burden of a perilous war and the charge of onerous treaties and alliances *upon the resources of India*. Russia may advance and recede at pleasure under a mask; and although not daring to show herself, or to encounter our armies in the field, she knows that she can, without danger, carry on a destructive warfare against our finances. Here is the evil of which I complain.

It is deeply to be lamented that the Governor-General should *gratuitously* have committed himself by the manifesto of the 1st October, because the people of India are not slow to discern fallacies, and are quick enough in detecting and exposing even specious reasoning when proceeding upon false or weak premises. They may even discover, or fancy that they discover, an ill-concealed fear of our secret enemy. But Lord Auckland, who has manifested great prudence and judgment on other occasions, and who is assisted by a very able secretary, would

never have put forth such a proclamation without orders from hence; and if it were allowable to speculate in such a case, it might be surmised that the document was conceived and framed in a different officina.

Before a nation embarks in a foreign war, its Government should look carefully into its situation at home. It is easy enough to perceive that a large body of men cannot traverse a vast tract of desert country, almost destitute of water and supplies, without encountering serious difficulty; and we also know that a mountainous region, defended by a warlike population, cannot easily be surmounted by artillery and the other appendages of a regular army. No person who has read Mr. Elphinstone's description of the topography of Caubul, and the intervening country, of its climate, of the character of its inhabitants and social institutions, can fail to be convinced that the attempt to penetrate into Caubul by whatever route, with an army from India, must be attended with imminent risk. I will grant that the force is efficient and fully equipped—that the Sepoys, and the *new levies especially*, do not, like Mr. Elphinstone's followers, manifest a strong disposition on entering the desert* to return to their homes—that the troops in general are not, as was the case in his camp, attacked by a fatal sickness†—that the Europeans can bear the scorching heats of

* They deserted in twenties and thirties.

† Forty persons died at Bickaneer, in his small camp, in one week, from fever and other complaints produced by the sudden and violent fluctuations of temperature.—H. St.G. T.

the desert, and the natives of Hindostan the severe cold of the mountains—that Runjeet Singh and the Ameers of Scinde are sincere, and disposed to allow us a free passage through their respective territories —that the Indus can be crossed without opposition —and that, after a long and laborious march, our army reaches, without any serious disaster, the passes of Hindoo Coosh, or the foot of the Tukht-i-Sooliman. Let this be granted, *contrary to all reasonable speculations*, and we shall still have the most formidable obstacles to overcome.

The Afghans are a brave and warlike people, proud of their national independence and of their individual liberty, impatient of a ruler, attached to their clans, prone to republican turbulence, and easily excited to give vent to religious fanaticism. Upon this race of sturdy mountaineers, in whose character and habits Mr. Elphinstone discovers a close resemblance to the Highlanders of Scotland, we would impose a ruler, who has been repeatedly ejected by them, in whose favor we would depose the *de facto* sovereign, Dost Mahomed, and at the same time set aside the pretensions of the Prince Kamran (the son of an elder brother), who has so gallantly and successfully defended the fortress of Herat against an attack which has evidently been regarded by us as the basis of a series of operations directed towards the British possessions in India.

I cannot well imagine any object more adventurous; and even if we should succeed in placing upon the throne of Caubul our late pensioner, Shuja-

ool-Moolk, who does not possess an acre of land in that country, it is quite certain that he could only maintain his authority and rule by the presence of a British force, sufficient to hold in subjection his refractory subjects, and to overawe the rival clans who are hostile to his supremacy.

But waiving these considerations, let us look at home. Can we safely send forth the flower of our army to a point which cannot be reached in less than three months, at a distance from its magazines and supplies, and with its line of communication liable at any time to be interrupted? What if this army should sustain a check? Can we rely with confidence on the allies whom we leave in the rear? Would they not take advantage of any disaster to our arms? Is it as easy to retreat as to advance? and is not our military reputation too precious to be hazarded unnecessarily in the prosecution of an object which presents such formidable difficulties?

Still, I have not touched the main point. It cannot be concealed that the presence of our army at home was never, perhaps, more necessary than at the present moment.

On our right flank, to the north, it is found necessary to observe the Nepaulese with a military force.

On the left, we have the Rajpoots in a very unsettled and unsatisfactory state; and the petty Rajah of Jhansi has even ventured lately to set our authority at defiance, nor had we a military force at hand sufficient to enforce that authority.

In our rear, to the south-east, the Burmese have openly manifested a hostile spirit, which has rendered measures of precaution urgently necessary, and which, no doubt, would have justified and called for offensive operations had our hands been free; but the Burmese frontier is above 2000 miles from Caubul, and our army could not be recalled and traverse the intermediate space in less than six months, if its services were found necessary to be directed against the Burmese.

In our North-Western Provinces, whose inhabitants differ widely from the patient and submissive natives of Bengal, a spirit of disaffection is known to exist; and I have repeatedly had occasion to bring under the notice of the Court the causes which have, as I think, engendered this feeling. We failed to redeem our pledge to grant the landholders a permanent settlement—we have displaced the principal *talookdars*, and have converted the landed aristocracy of the country into discontented pensioners—we have lately resumed the rent-free tenures by a most summary, and I must say, iniquitous process—and we have, in consequence, alienated the good-will of an influential class—the priesthood—who hold a large interest in these tenures; and still more recently, our proceedings both at home and in India with relation to the pilgrim-tax and the religious observances of the people, have produced much uneasiness, and have given rise to an apprehension that the British Government has withdrawn its protection so formally guaranteed, and is about

to interfere with its native subjects in the exercise of their religion. On this subject I will not enlarge; but we have evidence upon our records* that, even in the Lower Provinces, a fanatical feeling has manifested itself, and is supposed to have been fomented by the measures which have been pursued for the resumption of the rent-free lands.

With such weighty matters pressing upon our attention, is it not the part of prudence and wisdom to pause? and would it not be better even to retrace our steps than to persevere in a dangerous course? Our allies are not to be relied upon with confidence; and if they fail us, it will be in their power to inflict a deadly injury. Shuja-ool-Moolk can only make head by means of our military power; and instead of forming a barrier in Afghanistan against Persia or Russia, "by substituting a friendly for a hostile Government," we have converted Dost Mahomed, his family, and tribe, into open enemies; we have made them the willing instruments of Russian ambition, and we have probably enlisted all the national feelings of the Afghan race against us.

Nor does it appear to me that our position would be improved by pursuing a middle course. If Shuja-ool-Moolk be allowed to advance without our main army, his success must, at least, be doubtful; and should he meet with a repulse, or any serious check,

* See judicial letter from Bengal, of the 8th September, 1836, with correspondence. See, also, Lord Auckland's minute of 17th November, 1838.—H. St.G. T.

we must advance to his support under greater difficulties, perhaps, from the loss of military reputation, and the confidence which successful resistance will have inspired in his opponents.

Feeling as I do that the vital interests of India are at stake in the present crisis of our affairs—convinced as I am that it is not in India but in Europe that our empire in the East must be guarded against European aggression; and holding it to be the privilege and the duty of every member of this Court to exercise his free judgment on all measures in which he is called upon to co-operate—I have felt it to be incumbent upon me to record the present protest, which, although intended to exonerate me from responsibility, must not be taken as indicating in the slightest degree an abatement of that zeal which is become more than ever necessary for the advancement of the public service.

THE DISASTERS IN AFGHANISTAN.

[The following paper was written in 1842, after intelligence of the disastrous results of the policy, so powerfully dissected in the preceding document, had been received in England. It treats of the subject, then under discussion, of the re-occupation of Afghanistan, and the difficulties attending that movement. Many of the anticipations here glanced at were fully justified by the result.]

The late disastrous occurrences in Afghanistan must have struck deep into the heart of every man who loves his country, and is tender of its honor, or who possesses the common feelings of humanity.

Grievous errors have, it would appear, been com-

mitted; but there is no use in recurring to the past, except for the purpose of obtaining a guide to the future. These errors must now, if possible, be repaired.

It is the part of prudence to look forward in order to anticipate difficulties and dangers, and if possible to avert them; but when they do occur, it is the part of patriotism to encounter them with energy, and to use every effort to surmount them.

The questions to be examined with reference to the present state of our affairs in Afghanistan, are—

1st. Whether it be expedient and practicable to maintain our military position in that country.

2nd. Whether it be incumbent upon the British Government to maintain its political connexion with Shah Shujah, and to adhere otherwise to the tripartite treaty of the 20th June, 1838; or assuming the negative of this proposition, whether it be politic and practicable to form any other political connexion with Afghanistan.

3rd. Whether under any assumed state of things, it be expedient to withdraw altogether from the military occupation of Afghanistan, and from all political connexion with that country.

If we continue to hold a single military post beyond the passes, and the slightest hope can be entertained that it will be possible to maintain it until reinforcements can be thrown in for its relief, every consideration of honor and policy demand that

the most strenuous exertions be made, and the greatest sacrifices be submitted to, in order to maintain (at least for a time) our footing in the country. Whatever may have been the original merits, or demerits, of our proceedings in Afghanistan, we are now called upon to assert the national honor—to punish treachery and rebellion—to bring to justice the authors of barbarous assassinations—to restore our military reputation—and to re-establish our political supremacy.

If, on the other hand, our armies shall, unfortunately, have been driven out of the country, or have been compelled to evacuate it, a very different question presents itself. Are we prepared to renew the original enterprise, under circumstances of difficulty incalculably increased by the intervening events? The new difficulties which will have been superadded to those enumerated in my letter to the Court of Directors of the 29th January, 1839,* may be thus briefly enumerated.

1st. The impression of our military prowess and power, which probably assisted mainly in enabling our army under Lord Keane to penetrate the Bholan Pass unopposed, must have been greatly weakened. The Afghans know and acknowledge the superiority of our artillery, and of our professional science; but they have not seen our military tactics very successfully illustrated, and they acknowledge no inferiority on their part as soldiers and men.

* The preceding paper.

2nd. The defeat of Major Clibborne's detachment; the result of their repeated encounters with the gallant Sir Robert Sale's force; and, above all, the destruction of the army on its retreat from Caubul, must not only have inspired the Afghans with great confidence in their own bravery and military resources, but these unhappy events have afforded them practical and striking evidence of the strength of their mountain passes, and of the ease with which their country can be defended against a foreign enemy. It cannot be doubted that, on any future invasion, they will be prepared to defend their defiles and fastnesses; and we cannot prudently assume that, fortified as they probably will be, we shall succeed in forcing them.

I am not ignorant that, both in ancient and modern times, such natural barriers have been penetrated and surmounted; but, on the other hand, I would appeal to the case of Circassia, to show that a brave race of mountaineers, strongly posted in their native fastnesses, can, for a series of years, bid defiance to the power of the Russian Empire, and have to this moment preserved their national independence.

Other instances of successful resistance to mighty armies, under similar circumstances, might easily be cited.

3rd. Our native troops have suffered so severely from the rigor of the climate (the cold in Caubul and its neighbourhood being intense), that I much doubt whether they can be induced again to enter

that country. No man can have greater confidence in the valor, zeal, and fidelity of the Sepoys than I feel, and have long felt, from personal observation of their character and conduct; but there is a limit to endurance, and although one heroic effort may be made, we must not tax human nature beyond its powers, nor expect a perpetual succession of heroic achievements.

But whether we succeed or not in inducing our Sepoys to advance again to the passes of Afghanistan, I am quite convinced that the utmost difficulty will be experienced in commanding the services of camp-followers. We know how essential this appendage is to an Indian army, and we know how large* and unmanageable it is, especially in the instance of an army moving from our Bengal provinces. A large train of followers, for the camp equipage, the commissariat, and other services, is absolutely indispensable; and as the fate of those who have miserably perished in the late disaster to our arms must soon become known to their countrymen, it is to be apprehended that the most serious difficulty will be experienced hereafter, in obtaining the supply of followers required for the forward movement of any large body of troops.†

A difficulty of the same description is to be apprehended in recruiting our native corps. There are many Afghans in our army who will have witnessed

* The army of the Indus, 15,000 strong, had 85,000 followers. See Major Hough.—H. St.G. T.

† There is a prejudice, too, against rossing the Indus, felt by the natives of Hindostan.—H. St.G. T.

the late occurrences, and a still greater number to whom the event will become known. Can these men be safely trusted? and if a religious feeling be superadded, can we expect them to be faithful to their standard? My greatest anxiety for the fate of the garrisons which have been left in Afghanistan has its origin chiefly in this source. A single fanatic amongst our Sepoys may become the nucleus of disaffection, which may be too strong for the habitual feeling of attachment to their salt, their colors, and the service; and if the spell which has hitherto bound them to us be once dissolved, who will undertake to say what amount of European force will be sufficient to enable us to maintain our footing in the country?

But granting that the fidelity of the Sepoy is not to be shaken by adverse events, it does not follow that our army can be speedily recruited with proper materials. Very great difficulty has been experienced of late years in obtaining first class men, such as were heretofore the pride of the Bengal army. The fact could be accounted for if it were necessary and desirable to enter into details; but it may be confidently assumed that the difficulty, from whatever source originating, will be seriously aggravated under existing circumstances. Our best locality for recruiting men of good caste and physical power, has been in the districts north of the Ganges—in Oude, Rohilkund, Goruckpore, Azimghur, &c. Now these districts, and especially the province of Rohilkund, abound with Afghans (Patans, or Rohillahs, as they

are usually called); and it cannot be doubted that this race of men will feel the utmost reluctance to engage in an expedition against those who are connected with them by the ties of religion and social habits. Skinner's* Horse, one of the most distinguished corps in the service, is composed chiefly of Afghans, and these men could not now be employed in a service repugnant to their religious and national feelings. The character of the Afghan, or Patan, is well known; and the audacity and headlong devotion of the Rohillah peasantry was sufficiently displayed in Sir Robert Abercrombie's campaign in 1794.

4th. If another expedition to Afghanistan should be determined upon, it is quite clear that the force must be upon a scale of great magnitude, and that a large proportion must consist of Europeans more inured to a cold climate. The cattle and equipment must be on a proportionate scale, and especially with reference to the movement of a powerful artillery. But where are the necessary supplies to be sought in the exhausted state of the country? In the late expedition it was found difficult to collect a sufficient number of camels;† and the wear and tear in crossing the desert and in ascending the passes was enor-

* This officer is a great loss to us at the present moment, for he had acquired an extraordinary influence over his corps. The MS. memoirs of his life, written by himself, are now before me: and they exhibit a singular picture of Asiatic manners, and of the disposition and habits of the Indian soldiery. He was the son of a Rajpootnee.—H. St.G. T.

† From 25,000 to 30,000 were required for the army of the Indus; and 33,000 are said to have perished or been carried off in the course of the campaign.—H. St.G. T.

mous. I shall not in this place insist upon the overwhelming expense of keeping up the establishment of cattle, which will be called for in the first instance, and in supplying the casualties which may be expected to occur. I consider it doubtful whether an adequate supply can be obtained at any price; and I have already observed that the drivers and attendants, in common with other camp followers, may be expected to show a disinclination to the service.

It is true that, by crossing the Punjaub, the route will be shortened, and the inconveniences of the desert be avoided; but the passes* must be penetrated, a rugged and inhospitable country must be passed over, and this cannot be done without the application and waste of a vast amount of animal power.

5th. The expense of such an equipment as I have supposed will be ruinous to our finances, nor can the resources of India supply the demand. I estimate that ere six months elapse, the treasuries of India will be completely drained; and that, whatever means may be resorted to in order to raise money, the capital of India, in the depressed state of public

* It is to me matter of surprise that no attempt appears to have been made to effect a communication between Caubul and Peshawur by the Caubul river. Where a river finds its way through a country, it is presumable that men can penetrate, and possibly animals. The late Sir A. Burnes travelled a great part of the way from Peshawur to Jellalabad in 1832 *by the river*. Having left Peshawur on the 19th April, he reached Caubul on the 1st May. It is also presumable, from Captain Ferris' retreat, and Captain Gray's escape, that there are passes in the mountains which it would be desirable to explore eventually.—H. St.G. T.

credit which must be looked to, will not furnish any adequate supply. The books of account for the last three years not having yet been adjusted, it is impossible for me to state with precision the amount of the military and political expenditure in those years; but we have some collateral evidence to lead to a conclusion; and as far as I can judge from such materials as are within reach in this country, I am led to believe that the military and political extraordinaries, connected with the invasion and occupation of Afghanistan, cannot have fallen short of the sum of two-and-a-half millions sterling annually, on the average of the last three years.

Now, assuming what is highly improbable, that a fresh expedition on a larger scale of equipment can be sent forth and maintained on the *same scale of expense*, I must contend that the means of supporting it can only be supplied from this country; and if the facts and reasoning urged in my letter to the Court of Directors of the 29th January, 1839, and in other documents, be entitled to any weight, they go far to establish an equitable claim on the part of the East India Company for reimbursement of the expenses already incurred, not by the organs and administrators of that body, but in following out the policy of her Majesty's late Government. India was at no time in danger from Russia, Persia, or Afghanistan; and even if it had been menaced, the Court of Directors could never have pursued such a course of defensive operations.

Lastly. Our internal situation is not, I fear, secure

and satisfactory at the present moment; and in the letter already referred to, I have endeavoured to trace the causes of that alienation and disaffection which is believed to exist among our native subjects. Those causes still continue to operate in full force; for although the severity of our resumption proceedings has been relaxed of late, in obedience to injunctions from this country, the impression which they created among the people has not been removed, and a new cause for apprehension and distrust has recently been super-added. A Commission has been instituted for surveying the lands and determining the boundaries of villages in the permanently assessed territory; and it has naturally produced great alarm and loud complaints among the landholders, who, not unreasonably, apprehend that the projected scrutiny may lead to a re-assessment of their estates, in contravention of the Permanent Settlement. The functions of this Commission in settling boundaries are essentially *judicial;* and as it has not been constituted under any legislative enactment, I hold it to be *illegal*, as well as highly impolitic.

But another manifest cause of the discontent which prevails, may be referred to our late summary proceedings in deposing several of the native chiefs, and in resuming several principalities and Jagheers which are assumed to have been forfeited, or to have escheated to our Government.

Among these I would instance the following:

1st. The case of the Rajah of Sattara, who has been set aside in favor of his brother, upon an as-

sumption of treasonable designs and practices hostile to our Government. The family are the descendants of Sevajee, the founder of the Mahratta Empire, and their fate cannot fail to have interested the whole Mahratta people.

2nd. The independent principality of Colaba, in the Northern Concan, which has been held by the descendants of the celebrated Angria for two centuries, has been resumed as an escheat to our Government, in consequence of a supposed failure of heirs; and this act of confiscation must produce a great sensation among the different chiefs who are still allowed to hold territorial possessions.*

3rd. The late Newaub of Kurnaul was deposed on the ground that he meditated hostile designs against the British Power, and the vast accumulation of ordnance and military stores, found secreted in his palace and fort, furnished certainly a strong presumption of a hostile spirit, and of an intention to resist by arms any attempt to enforce our authority.

Other instances might be cited of a somewhat similar character; and from these I draw the conclusion, either that there has been disaffection in the country, to justify such strong measures; or that the forfeitures and resumptions which have taken place were arbitrary and unjust, and must consequently create alienation and discontent, and spread alarm among those chiefs who still maintain landed possessions under so precarious a tenure.

* See Mr. Tucker's Remarks, on the 19th May, 1841, of the subject of the Confiscation of Colaba, at page 257, *et seq.*

From one fatal error of resumption we have fortunately escaped. It had been determined by the Government of India to resume the Jagheer of Rampoor on the demise of the last incumbent; and a despatch had been prepared sanctioning the proceeding by the home authorities; but Sir John Hobhouse fortunately attended to the unofficial remonstrances of my late colleague Mr. Edmonstone, with whom I held a private correspondence on the subject; and the Jagheer was ultimately continued in the possession of the family. Had this principality, which was settled in 1774 on the descendants of the Rohillah chief, Fyze Oollah Khan, been actually resumed, I venture to affirm with confidence that this act would have caused a general insurrection throughout the whole province of Rohilkund, the inhabitants of which are more excitable and more fanatical than any class of our native subjects in India.

Of the Mussulmans generally, it may be observed, that they cannot safely be depended upon, when their religious feelings are brought into violent action.

I have not recurred to the cases alluded to for the purpose of reviving controversy, or of condemning what has been done. My object has been to expose the weak points in our position, to the end that we may be upon our guard. Our empire in India has been described as a pyramid standing upon its apex; and it is quite certain that, at the present moment, all the energies of our ablest statesmen and best

soldiers will be required to place it firmly on its base.

From the foregoing remarks I would deduce this conclusion—that, if our footing in Afghanistan shall have been lost, it cannot now be regained; and that any attempt to re-conquer the country must be attended with a ruinous expense, and may endanger the safety of the British possessions in India.

With respect to our late pensioner, Shuja-ool-Moolk, it is only necessary to observe that his fate must already have been decided; that all our concessions to him by the treaty of the 20th of June, 1838, were perfectly gratuitous; that no equivalent has ever been obtained from him; and that his utter incapacity to govern, his suspicious conduct, and the defection of his family, have deprived him of every claim to further assistance on our part for the re-establishment of his authority in Afghanistan.

But although it appears to me impolitic and dangerous to send forth a second expedition into Afghanistan under the circumstances assumed, I am by no means of opinion that we ought to abandon our posts east of the passes into that country. I am not a military man; but, as a member of the Political and Military Committee, I am bound to examine the question, and to resort to the best materials within my reach to enable me to form a sound judgment upon it. The retention of Dàdur, Bukhur,* Shikarpore, and Kurachee, with perhaps Sehwan and Lirk-

* This *island* fortress in the Indus includes Sukhur on the right bank, and Roree on the left; both being connected with it, and commanded by it.—H. St.G. T.

hàna, would give us the command of the Lower Indus—would enable us to overawe the Scindians, Beloochees, and other tribes—to check any incursions through the Bholan and Gundava Passes—and to extend a great degree of protection to the commerce of the country. On the Upper Indus, while the Sikhs retain possession of Peshawur, with the slip of country on the right bank of the river, and the fort of Attok on its left bank, no attempt could be made by the Afghans to invade the Punjaub, with the slightest prospect of success; and fortunately the Sikhs have a common interest with us in repelling such an attempt.

I have had a skeleton map prepared, for the purpose of exhibiting more distinctly the military positions indicated, with the routes and distances from Kurachee, the seaport west of the embouchure of the Indus; but it would be presumptuous in me to pretend to decide how far it may be necessary or prudent to occupy permanently all or any of those positions. Their *temporary* occupation appears to me desirable, (if for no other reason) for the purpose of showing the people of India that we have not ingloriously retreated from all our late acquisitions.

Ghuznee, it is to be apprehended, will have fallen; for it would naturally have become the first object of the insurgents' attention, and from no quarter could succours have been thrown in to reinforce its weak garrison during the winter season.

The force at Jellalabad under Sir Robert Sale

must be considered safe, for large reinforcements were coming up from Peshawur—the post at Ali Musjeed in the Khybur Pass had been relieved and strengthened by the two regiments of native infantry which had been pushed forward; and there is reason to suppose that Sir R. Sale would experience no difficulty in forming a junction with the corps advancing to his support.

In Candahar, we have a large* force under General Nott; and, although an insurrection had taken place in the neighbourhood, and one of the Jàn-baz corps had deserted, there can be no ground for apprehending that the general will not be able to maintain himself for some time; or, if necessary, to fall back upon Quetta, where two native regiments are posted with a detachment of artillery and the necessary supply of provisions. We have also a force of 1000 men at Kilat-i-Ghilzie, with supplies for six months; and the small detachments at the outposts would appear to have been all called in. Troops were also proceeding with treasure and supplies from Sukhur in the end of December; and it is probable that a considerable reinforcement will have been collected at Dàdur to form a junction, eventually, with the Candahar force, should it have been compelled to retreat.

In our Bengal provinces, an army of 15,000 men was likely to be assembled at an early period to protect our Nepaul frontier; and the Government appear to be making preparation in all quarters to

* Six Regiments N. I., H. M.'s 40th Foot, a corps of Cavalry, &c.

guard against any untoward occurrences to which we may be exposed.

In this country, her Majesty's Government and the Court of Directors have manifested the utmost promptitude in preparing to send out large reinforcements at the earliest period practicable. All our officers have been ordered out to join their corps, and several regiments will be despatched to India as soon as the necessary conveyance can be provided.

It appears to me of the utmost importance at the present juncture, that the proportion of European troops relatively with the Sepoys should be largely augmented. I have great confidence in our native soldiery, and especially in the Hindoo Sepoy; but they must not be led to suppose that we depend wholly and exclusively upon them for the maintenance of our Ràj. There ought to be a European force at hand to put down promptly any partial disaffection; for if once a successful rising should take place in any quarter, the contagion would be liable to spread rapidly and extensively. We never can hold the country with a European force: 200,000 would not suffice for the purpose, as the climate would preclude their being employed on particular duties (on escorts, guards, &c.); and on our north-east frontier, and in the line of jungle and hill country, west from the province of Orissa to the river Sone, they could not be employed at all without the certainty of their becoming victims to an unhealthy climate. We must, therefore, depend

mainly upon our native troops; and while they remain firm in their allegiance, they will constitute the great prop and support of our empire.

It is fortunate, perhaps, that we have a large European force on the coasts of China, which will furnish a resource, if their presence should be required either to check the movements of the Burmese on the borders of Tenasserim or Arracan, or to strengthen our armies on the western frontier. It appears, moreover, from a statement now before me, that we have a formidable naval force* in the China seas, quite sufficient to convert our hostile operations in that quarter into a strict blockade of the rivers and ports of China, and to maintain with the marines the insular posts which have been occupied, if it should be found necessary to withdraw the land forces. There are some intelligent persons who contend that an effective blockade would have been less hazardous and expensive, and more likely to succeed in accomplishing our object, than the land operations which have been undertaken, or projected; but this is not the proper time or place for inquiring into the origin or progress of our hostile operations against the empire of China, or for reviewing the plans and conduct of those who have directed this great movement.

The late events in Afghanistan are deeply to be deplored, as involving a public calamity and great individual suffering; but the Government which en-

* Thirty-two ships of war, and twelve war-steamers of different classes.

gages in war must be prepared for reverses; and while we are careful not wantonly to provoke the religious feelings and prejudices of the people, nor by acts of imprudence to shake the attachment of the native troops, these reverses and losses may be repaired.

But it will be thought that I have overlooked one main consideration. Men of ardent and generous tempers will urge that the national honor has been outraged—that our ambassador has been treacherously and barbarously assassinated—that individuals have been atrociously murdered — and that their blood calls for vengeance. I respect this feeling; but it is necessary to show how it can be satisfied. An outrage has been committed, which, under the laws and usages of civilised nations, would call for full reparation, and, in the last resort, justify an appeal to arms; but we have placed ourselves among a semi-barbarous people; their national pride and personal feelings were offended, and they have avenged themselves in their own way by acts of great atrocity—but how are they to be punished? We cannot reach the assassin, Mahomed Akbur Khan, for, if he were pressed by our troops, he would retire beyond their reach, and find an asylum in Turkistan or Tartary, where we cannot follow him. We could not offer a reward for his head, for that would only multiply blood-feuds by an unjustifiable proceeding. A reward for his apprehension would have no consequences, unless it produced

his assassination, which could not be justified. A nation cannot wage war against an individual; nor can a whole people be made liable for individual crimes. We have not, in this case, a civilised Government to deal with, which would, no doubt, be justly responsible for political offences, and for wrongs and outrages committed against unoffending parties, in violation of the public law.

But let it be shown that we can maintain our footing in Afghanistan for a single season, and then let retributive justice have its full sway. This, I apprehend, cannot be shown; and if the view which I have taken of the present state of our affairs be just and correct, any rash attempt to re-conquer Afghanistan by a second invasion would probably fail; while the defection of our native troops (a contingency which I cannot place entirely out of sight) must shake to its foundation the whole fabric of our Indian Empire.

LORD ELLENBOROUGH AND THE RE-OCCUPATION OF AFGHANISTAN.

[The annexed observations were written in February, 1843, after the receipt in England of the glad tidings of the victories achieved by the armies of Pollock and Nott, and the release of the Caubul prisoners. They were called forth by the proposal to pass a vote of thanks to Lord Ellenborough for the energy with which he had applied the resources of the country to the prosecution of the military operations which had been attended with such brilliant success.]

It is proposed to pass a vote of thanks to the Governor-General of India—for the "ability and judgment with which the resources of the British

Empire in India have been applied to the support of the military operations in India."

In order to decide on the merits of a civil governor, directing military operations, it is necessary to consider whether his original views were just—whether his plans were wisely conceived and carefully matured—whether his means of carrying them out were adequate and well adapted to the accomplishment of the ends proposed—whether the time for their application was well chosen—and whether his measures were prosecuted with spirit and vigor, and with that consistency of purpose and action which might furnish reasonable grounds for expecting success as the legitimate result of wise and skilful combinations.

It will scarcely be contended that a civil governor is entitled to claim praise and thanks for the success of military operations which he did not order or approve; and still less if those operations were undertaken in opposition to his opinion and declared will; and still less again, if their success were liable to be impeded, or rendered doubtful, by orders having a contrary tendency.

It is quite clear, from the correspondence, that, to a very late period, the Governor-General was decidedly adverse to the advance of General Nott, and that, throughout, his lordship contemplated, and even urged, his retreat by the route of Quetta upon our strong posts in Scinde; and it is equally clear that, if General Nott had failed in his forward move-

ment, in opposition to the declared opinion of the Governor-General, he would have incurred a fearful responsibility.

It is also unquestionable that the Governor-General, in directing the abandonment of Kilat-i-Ghilzie and other posts, contravened the meditated advance of General Nott upon Caubul, by rendering that movement more difficult and dangerous.

It may further be assumed from the correspondence, that the retrograde movement both of General Pollock's and General Nott's armies was contemplated by the Governor-General, even in the event of the negotiation for the release of the captives having failed; and, indeed, his lordship, in express terms, declares that no hope can reasonably be entertained of the recovery of the prisoners taken at Ghuznee.

I am far from wishing it to be inferred that the Governor-General did not feel the most anxious interest to effect the liberation of the hostages and captives. On the contrary, I am satisfied that no man could be more alive to the obligation we were under to accomplish this object by all justifiable means, both on the ground of *humanity* and of *policy;* but his lordship evidently did not expect to succeed, and our success was ultimately obtained by means and efforts which no man could possibly have anticipated.

Nor do I mean to say that there were not strong grounds for the cautious policy which induced the

Governor-General to discountenance the advance of General Nott; for it is unquestionable that a second disaster, similar to that which we sustained in January, 1842, would have shaken our Indian Empire to its very foundations. Lord E.'s caution, therefore, although overlooking some very important objects, was founded on what may be termed *vital* considerations.

But still the question arises whether the Governor-General can justly claim any participation in the credit due for the success of operations which he did not direct, and which, to a very late period, he *strongly discouraged*.

It is true that the proposed vote of thanks is confined to the merit of having applied the resources of India with ability and judgment to the support of our military operations; and it must be fully admitted that the Governor-General made the greatest efforts to reinforce the army, and to supply it with money, medicines, the munition of war, and with the means of transport; but as these supplies were furnished with a view to the *retreat* of the army, and not to its *advance*, Lord E.'s name can scarcely be associated with the success of that advance and the triumph of our arms, nor with those operations which happily terminated in the release of the British hostages and captives.

The difficulty of coming to a vote of thanks in this case arises from some ambiguity in the application of its terms, and from the *secondary* qualities of the statesman being brought forward instead of

those *primary* qualities which ought most to distinguish him. In other words, it is proposed to thank the Governor-General for his exertions in carrying into effect a plan of operations *not his own*, instead of thanking him for the wisdom and prudence of his plans, and for that foresight and those comprehensive views which ought to have characterised them.

There is one test of the merits of the statesman, of which we have been deprived, by the total omission of the despatches from the home authorities. Those despatches must have conveyed intelligence, opinions, and perhaps instructions to the Governor-General. If he followed them out, he was relieved from much of his responsibility—if he contravened them, he took upon himself the entire responsibility of his own plans and views. In the one case, Lord E. will have acted as a ministerial functionary, and may claim the merit of having applied the resources of the empire with vigor to give effect to the plans of the home authorities. In the other case, he will have acted independently, and must be judged by the character of his own measures. In either case, we ought to have these despatches before us, to enable the Court to come to a sound judgment upon the merits of his lordship's proceedings.

Let me observe further, with reference to the collection of papers before us, that, from a disregard of chronological order, great attention is necessary to the dates of the despatches; for as earlier letters are sometimes entered after those of more recent

dates, it might be inferred that the former convey the last opinion, or the latest orders, which is not always the case. This want of arrangement occasions not only inconvenience to the reader, but it may produce erroneous impressions.

There is one point more to which it may be proper to advert—Whether the general tenor and character of Lord E.'s administration have been such as to furnish a fair presumption in favor of a particular measure where the case might otherwise be doubtful? With a view to this question, I have sketched some of the leading features of his lordship's government, and I regret to be compelled to deduce from this summary, that there is much to condemn on the ground of rashness and precipitation, and little to commend as the result of foresight, prudence, sound judgment, and those other qualities of the mind which best distinguish the accomplished statesman.

THE QUESTION OF RESPONSIBILITY.

[Before quitting this subject of the invasion of Afghanistan, it is desirable that the following passages from one of Mr. Tucker's minutes, in which the whole question of responsibility is very fairly and very forcibly reviewed, should be added to the selection. It plainly demonstrates—if, indeed, further proof of the notorious fact be needed, to convince the most sceptical inquirer—that the East India Company were, in no degree, responsible for the war in Afghanistan, and that it was a grievous injustice to cast upon the finances of India the expenses of that war.]

. . . . The primary object which some of my esteemed colleagues and myself had in view in calling for the production of the secret correspondence, was to establish the fact that the invasion of Af-

ghanistan, which I long since denounced as rash, dangerous, impolitic, and unjust, was undertaken by orders from her Majesty's late Government,* without the participation, or even the knowledge, of the Court of Directors—that it was directed against the apprehended advance of Russia, rather than against the Afghans, with whom we had no ground of quarrel—and that, in this view, it constituted a European rather than an Asiatic question, which could alone be dealt with by her Majesty's Government in *Europe*. For the grounds of this assumption I must refer to my recorded opinions;† and if the secret correspondence be produced, I hazard little in stating my conviction that the premises will be fully established. So late as the 22nd May, 1838, only one month before the conclusion of the treaty of Lahore, the Governor-General of India anxiously awaited a "communication of the views (of the Secret Committee) upon the present crisis at the earliest possible opportunity;" and it is clear, from this and other despatches of his lordship, that he was not prepared to engage in so hazardous an undertaking, without the express authority and direction of the home Government.

I will not, however, argue the question on assumed premises, when direct evidence can be produced to controvert those premises, if there be no sufficient foundation for the assumption. Enough

* See the paper, dated 29th January, 1839, given in *extenso* at page 266, *et seq.*

† See the paper referred to above.

has been shown to satisfy me that the war was undertaken by the late Government with a view to *European* objects, in utter disregard, as I think, of the immediate interests of the East India Company; and I therefore contend that the stewards and administrators of that body are bound to claim from the national authorities full indemnification for the expenses which have been incurred, as well as relief from all responsibility attaching to proceedings which have led to such disastrous results.

The amendment of the Court appears to me to involve a virtual abandonment of our cause; for although the insertion of the words "for the present" would seem to indicate an intention to renew our application to the Board at some future period, I must insist that the proper period has already arrived—nay, I am decidedly of opinion that we ought to have come to an understanding with the Board more than three years ago; and that any further delay, by throwing a doubt on the merits of our case, can only prove mischievous. The Board may suspect that we are scarcely in earnest; for who is disposed to postpone the settlement of a just demand? As for waiting for a favorable occasion, I have generally found that such occasions seldom occur, and that no time is found seasonable and propitious for doing that which we are not earnestly disposed to do. Let us not forget the enormous sacrifice which the East India Company were compelled to make in effecting a settlement of accounts

with her Majesty's Government for the advances made in India on account of the expeditions to the Mauritius and the islands in the Eastern Archipelago; and the further we proceed in our disbursements connected with the military operations in Afghanistan, the greater will be the difficulty of obtaining indemnification from the national Government.

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It is essential to the ends of justice that the responsibility incurred by bad measures should attach to the proper parties. The Court of Directors are liable to grave imputations, consequent upon the late calamitous events in Afghanistan; but the Court are not justly chargeable with any participation in the proceedings which have taken place. They were not consulted on the origin or progress of the war; and they have not been allowed to exercise the slightest influence in directing the operations, military and political, which have been carried on beyond the Indus during the last three years. They have acted *ministerially* throughout, and in absolute ignorance of everything which was necessary to enable them to take an independent part in relation to these portentous movements. The Legislature has invested us, nominally at least, with the administration of India; but we are no longer, I regret to think, an independent body, or an efficient organ of administration. The whole power of government has been assumed (I will not say usurped) by the

Board; and nothing can be more insignificant or humiliating than the position which we have occupied for some years past. I myself deeply feel the humiliation; and all I can do is to place upon record, from time to time, my protest against measures which I cannot prevent. Even the custody of the public money no longer rests substantially with the Court; for the Board of Commissioners, through the Secret Committee, can order the disbursement of any sums they may please, without any explanation to us, and without being accountable, as far as I can perceive, to any power in the State, for the due application of the fund to necessary and legitimate purposes.

I am not competent to give an opinion upon the legal construction of an Act of Parliament; but I have sought in vain in the last Charter Act for the authority under which the power to disburse what is called "secret service money" has been exercised, and I cannot believe that the Legislature ever intended to confer the power of making these disbursements at pleasure, without control, and without responsibility.

The 36th section of the Act gives the Board, I own, most ample powers to send out orders, through the Secret Committee, "concerning the levying of war, or making peace, or treating or negotiating with any of the native princes or states in India, or touching the policy to be observed with respect to such princes or states;"* but it is, I think, unques-

* See page 267, *note*, for this 36th section of the Act of 1833, there given in its integrity.

tionable that the secrecy to be observed on such occasions was not intended to be *perpetual*. It was to continue as long as its continuance was essential to the public welfare; but to maintain that the Legislature ever meant to invest any body of men in this country with the power to cast a veil of impenetrable darkness over their proceedings, would be to maintain that it intended to secure impunity to the worst actions. All power in this country is exercised under constitutional responsibility; and the Court of Directors, for the satisfaction of their constituents, and for their own credit, are bound to provide, as far as they can, that the administration of India is conducted on public principles, and for the benefit of the people of that country.

The arrangement made in January and February, 1835, for placing the affairs of Persia in the hands of his Majesty's Government, had for its object to commit all questions connected with European policy and interests to the national councils. It was found that the communication between Teheran and Calcutta was so tedious and uncertain, that the Governor-General of India could not possibly exercise any useful influence or control over what was passing in so distant a quarter; and a Russian army might have been moved into the provinces of Azerbiyan, or Mazinderan, before any means of opposition or counteraction could be resorted to in India. It was also felt that an army could not be moved in India through the intervening country without the utmost difficulty and

danger; and that if any hostile movement should be made by any European Power towards our Indian territory, it could be most successfully counteracted in *Europe*. Our own frontier was never menaced, and could be in no danger from any European Power; and I felt always perfectly assured that Great Britain had only to *declare its will*, in order to arrest the advance of any European force towards its Indian dependencies.

I am unwilling to say more on this subject than is absolutely necessary, because I have recorded my sentiments upon it already; and I have no wish to take credit for foresight; but I deprecated, from an early period, our involving ourselves in the entanglement of Afghan politics, and before our army had crossed the Indus, I placed on the records of this Court a formal protest against a proceeding, which appeared to me at the time both hazardous and unjustifiable, and which I look back to with infinite pain, as having led to the most fatal results—as involving an enormous expenditure of the public money, and a frightful waste of human life—as inflicting an extent of misery and suffering on individuals unparalleled even in the annals of Asiatic barbarity—as compromising, for the moment, the high reputation of our arms—and as tarnishing (it is to be feared) what ought to be dear to us all, the national character. I would ask them, do not these things call for notice and inquiry? Are there none who have justly incurred responsibility? and none who may fairly claim to be exonerated from sus-

picion and reproach? or is it incumbent upon us to adopt the quiescent language of the amendment, and "to abstain, at present, from urging the production" of the papers?

I do not mean to imply that a Government is strictly responsible for all the events of a war. The capture of Ghuznee, and the disasters at Caubul, were alike contingent on circumstances not referrible to the Government of India; and it can neither claim credit for the one, nor be wholly answerable for the other. But when a Government sends forth its armies upon a wild and perilous enterprise, and places those armies in a position where success can yield no fruit, and discomfiture must end in ruin, the authorities so acting are justly responsible for the consequences. Without pretending at all to prejudge the case, which indeed is likely to come before another tribunal, I would submit that sufficient grounds have been shown to justify our calling for the production of the secret correspondence, as essential to the establishment of our claims; and although it may no longer be possible to remedy past evils, the Court cannot dispense with the exercise of the functions assigned to it by the Legislature, nor with the obligation to protect, by all legitimate means, the pecuniary interests of the East India Company.

THE CONQUEST OF SCINDE.

[Upon the subject of the Conquest of Scinde and the deposition of the Ameers, Mr. Tucker felt as strongly, and expressed himself as emphatically, as on that of the invasion of Afghanistan. He had all his life belonged to the Conservative party; but when it is said of him that in all matters of Indian policy he was neither Whig nor Tory, that he regarded neither parties nor persons, but shaped his conduct in accordance with fixed principles, only that is said which applies, with equal cogency, to the whole body of the Court of Directors. The invasion of Afghanistan and the conquest of Scinde were cognate acts of injustice, and were so regarded by the Company. On these questions Mr. Tucker expresses, in all their essential bearings, the opinions of a large majority of the Court.]

I hold it to be one of the first duties of a Government to maintain with scrupulous good faith its treaties and other engagements; and if any violation of a treaty by the Government of India should take place, it is clearly the duty of the controlling Government at home to interpose its authority. If this duty be neglected, we must be content to share in the obloquy justly attaching to the violation of a public compact.

The Governor-General, in his proclamation, bearing date the 1st October, 1842, announces to the chiefs and people of India the principles and policy by which his administration would be guided and governed; and these sound and salutary principles are evidently contrasted with the course of policy adopted by his predecessor in his proclamation of the 1st October, 1838, which, as Lord Ellenborough observes, led to disasters "unparalleled in their ex-

tent, unless by the errors in which they originated." "Content with the limits nature appears to have assigned to its empire, the Government of India will devote all its efforts to the establishment and maintenance of general peace, to the protection of the sovereigns and chiefs, its allies, and to the prosperity and happiness of its own faithful subjects."

His lordship adds: "The combined army of England and of India, superior in equipment, in discipline, in valor, and in the officers by whom it is commanded, to any force which can be opposed to it in Asia, will stand in unassailable strength upon its own soil; and for ever—under the blessing of Providence—preserve the glorious empire it has won in security and in honor.

"Sincerely attached to peace for the sake of the benefits it confers upon the people, the Governor-General is resolved that peace shall be observed, and will put forth the whole power of the British Government to coerce the state by which it shall be infringed."

Whether it was necessary, or in good taste, or in accordance with that *unity* of character which belongs to our Indian Government, to condemn the measures of the preceding Administration, or to enter into formal pledges with respect to the course of policy to be hereafter pursued, may admit of question; but it is impossible to deny to Lord E. the merit of lofty aspirations in thus proclaiming to the world the maxims of an enlightened, a pacific, and humane policy.

But how have these bright anticipations been realised? Within less than five months, we find our troops engaged in a sanguinary conflict! And with whom? With a mighty Power which threatened the stability of the British Empire? Certainly not. The contest has been with the Ameers of Scinde: chiefs of so little note and account that their names and habitations are scarcely known to the people of this country; and whose forces, brave but undisciplined, have been signally defeated by 2800 men—a small *fraction* of the British army of India!

And what can have induced those chiefs to measure their strength with that army which Lord Ellenborough has so justly described as of immeasurable superiority? Are we to suppose that they voluntarily rushed on destruction? or is it not more reasonable and fair to presume that they were provoked and goaded on to a course which must necessarily lead to their ruin? Fear sometimes engenders desperation; but it was not the British Power which had anything to fear from the Ameers of Scinde.

We have long been under treaty with these chiefs; and it would appear, from the Governor-General's recent proclamation of the 5th March last, that a fresh treaty had been concluded with them on the 14th of February, the terms of which have not yet been made public; but the subjoined proclamation pronounces that the rupture took place in consequence of *treachery* on the part of the Ameers.

"Palace of Agra, 5th March, 1843.

"The Governor-General had earnestly hoped that the new provisions, to which various acts* in contravention of their existing engagements, and various indications of hostility had compelled him to require the assent of the Ameers of Scinde, would have been carried into full effect, as they had been agreed to by their Highnesses, without a recurrence to arms. This hope has been disappointed.

"The Ameers, having signed the new treaty proposed to them on the 14th of February, attacked on the following day, with a large force, the residence of the British Commissioner. In this treacherous attack they were repulsed. On the 17th, Major-General Sir Charles Napier gained a decisive victory over their whole army; and on the 20th the British troops occupied the city of Hyderabad.

"Six of the Ameers delivered their swords to the British general upon the field of battle. All their guns, ammunition, and treasure were taken, together with their camp. The Beloochees lost 5000 men.

"Thus has victory placed at the disposal of the British Government the country on both banks of the Indus, from Sukhur to the sea, with the exception of such portions thereof as may belong to Meer Ali Morad of Khyrpore, and to any other of the Ameers who may have remained faithful to his engagements.

* These "acts" and "indications" are nowhere stated.

"The Governor-General cannot forgive a treacherous* attack upon a representative of the British Government, nor can he forgive hostile aggression prepared by those who were in the act of signing a treaty.

"It will be the first object of the Governor-General to use the power victory has placed in his hands in the manner most conducive to the freedom of trade, and to the prosperity of the people of Scinde so long misgoverned.

"To reward the fidelity of allies by substantial marks of favor, and so to punish the crime of treachery in princes as to deter all from its commission, are further objects which the Governor-General will not fail to effect."

Is this the first fruit of that just and forbearing policy so pompously announced by the Governor-General, which was to give confidence to the princes and people of India, and to establish the halcyon rule of peace? In the present state of our information, can any man at all acquainted with India seriously believe that the Ameers of Scinde have committed an act of unprovoked aggression which called for instant vengeance? Have they ever come to us? or *can* they come to us without passing through a desert extending from three hundred to four hundred miles? What motive can they have for hostility against the British Government, except that general feeling which all Asiatic princes must

* It would appear that the Ameers *protected* Major Outram; and, prior to the outbreak, urged him to retire.—H. St.G. T.

now entertain, that we are ambitious and unscrupulous neighbours?

These chiefs have not shown any disposition to extend their territories, or to engage in warlike enterprises; they would seem to have been content with their hunting-grounds, and I doubt whether they would have exchanged them for the fairest province of Hindostan. What, then, can have occasioned the late outbreak? Is it usual for the weak to attack the strong? Do they owe us any allegiance, or any obligation, beyond that which our treaties impose? But it has been surmised that the Governor-General alludes to some intercepted correspondence, bearing a hostile character, and compromising the Ameers with our Government.

Let me here observe, for the information of those who are unacquainted with India, that nothing is more easy, or more common, than the fabrication of letters in that country. Men of rank do not write their own letters, nor usually subscribe them. They are written by a Moonshi, or secretary, and are only attested by a seal affixed to the envelope. This seal is easily forged; and fabricated seals are to be obtained without difficulty in all the larger cities. I could cite several instances of such forgeries; but I allude to the circumstance without attaching weight to the surmise that the Ameers have been detected in carrying on a correspondence with our enemies, either during our occupation of Afghanistan, or since; for nothing could be more improbable, or more inconsistent with their general conduct, than

such a proceeding. Let us not forget that those chiefs permitted our troops, in large bodies, to pass through their territory in 1838-39, unresisted and unmolested; nor, when our army sustained so fatal a disaster in the defiles of Afghanistan, did they make any movement to aid our enemies, or to avail themselves of so favorable an opportunity for interrupting our communication, and intercepting our supplies. On the contrary, when our advance beyond the Indus might naturally have inspired them with apprehensions for their own safety, they still allowed free passage to our troops and reinforcements, and abstained from all aggression at a time when their hostility must have proved dangerous to a retiring army. What, then, I repeat, can have impelled them to appear in hostile array against a Power which in a few weeks was sure to overwhelm them? Nothing but dread and desperation, proceeding from the conviction that this Power was about to subjugate them, or to compromise their independence. The Persian, Sadi, observes, that "he who cannot flee will fight."* Nothing but the dread of an attack can have induced these chiefs, helpless as they were, to take up arms. And if we have attempted to force harsh terms upon them, to extort money, or the cession of territory, or the immediate

* Literally—"In the time of extremity, when there is no room for flight, the hand seizes the sharp sword."—*Goolistan*. I fear that the case will be found to resemble very closely that of Cheyt Sing, the Rajah of Benares, for which Mr. Hastings was impeached; but that statesman was impelled by the necessities of his position to resort to extortion and violence; and he perilled his own life on the occasion.—H. St.G. T.

abolition of slavery,* or the total abolition of the duties and imposts levied on commerce, upon whatever plea or pretence—if when they were ready to submit, and to subscribe a new treaty on our own terms, we still persisted in advancing our army upon their capital, in despite of their remonstrances—we have clearly been the aggressors, and we must be prepared to encounter public reprobation. What could the Ameers gain by an assault upon our Resident and his small escort? Major Outram was popular with them, and they never can have contemplated his destruction. Let us not confound treachery with self-defence, nor the sudden impulse of furious men anticipating attack with premeditated outrage. It is well known to the people of India that, begin where we may in the character of merchants, we always end in the character of sovereigns. The demand of a tracking path on the banks of the Indus would, in their view of our ordinary course, be held to be a demand for a free passage to the musnud of empire. Moreover, it must be remembered that the Ameers have not the power to coerce or restrain the Beloochee Sirdars, who owe them a nominal allegiance, but who exert a real independence; and if the treaty of the 12th February contained any provisions injurious to the interests or offensive to the feelings of these Sirdars, the outbreak may easily be accounted for, without

* The sudden abolition of slavery was, in itself, quite sufficient to create a dangerous ferment in a semi-barbarous Mahomedan population; for it would be regarded as tantamount to laying open their Zenànàs, and as enforcing the surrender of a valuable property without indemnification.—H. St.G. T.

impeaching the fidelity and good faith of the Ameers.

I must here contend that an invasion of Scinde, or an attempt to compromise its independence, can no more be justified than the invasion of Afghanistan, which Lord Ellenborough has condemned. The theatre may be smaller, and our operations may be conducted with less hazard. We are not called upon to surmount formidable defiles; but our army is exposed on the confines of a desert, and had the gallant Sir C. Napier and his heroic band been defeated, their retreat must have been attended with difficulty and danger, surrounded on all sides by a numerous cavalry and an infuriated population. I do not go so far as to say that a Government is justly answerable for the contingencies of war; but if a Government place its armies in a false position, in the prosecution of unjustifiable or unattainable objects, it unquestionably incurs a deep responsibility.

The following treaties have been contracted by us with the Ameers of Scinde:

On the 22nd August, 1809, a regular treaty was concluded with the Ameers, and another on the 9th November, 1820, which stipulated for the exclusion of Europeans and Americans from their territory.

On the 19th June, 1832, Lieut.-Colonel Pottinger negotiated a treaty with Meer Morad Ali of Hyderabad, and Meer Roostum of Khyrpore, providing—

1st. For perpetual friendship.

2nd. An engagement by each *to abstain from molestation of the territories of the other.*

3rd. A passage by the Indus for the merchants and traders of India, and transport of merchandise, on the condition that no arms or armed vessels come by the river, and no persons be allowed to settle in Scinde.

4th. Passports required.

5th. Fixed, proper, and moderate duties to be established, and no vexatious delay to be allowed by the Scinde Government at their Customs posts.

6th. The portions of other treaties not modified by this to remain unaltered.

7th. Intercourse between the states by Vakeels.

A supplemental commercial treaty was entered into in the beginning of 1834; and in 1838 was formed another treaty, whereby we engaged to use our good offices for the arrangement of differences between the Ameers and Runjeet Singh, the former to receive a British Resident at their court.

The last treaty which has been made public is that of 1839, which provides:

1st. *For perpetual friendship between the two states.*

2nd. For the maintenance of a British force at Tatta, or some other station.

3rd. For the protection of Scinde by the British Government against all foreign aggression.

4th. *For the integrity of the Scinde territories.*

5th. For the prevention of intrigues with foreign states.

6th. For no toll being levied on trading boats passing up or down the river Indus from the sea to the northernmost point of that stream within the territories of the Ameers.

7th. For any merchandise landed from boats on their passage up or down the river, and sold, being subject to the usual duties of the country, with the exception of goods sold in a British camp or cantonment.

8th. For goods of all kinds being brought by merchants and others to the mouths of the Indus, subject to the usual duties and regulations.

That some of the stipulations in the foregoing treaties have been infringed by our Government there is but too much reason to apprehend; but until we are made acquainted officially with the terms of the treaty of the 12th February last, and with the circumstances which led to the rupture with the Ameers, it would be premature to pass any judgment upon the conduct of the parties. All which I assert is, that sufficient grounds have been shown for *inquiry*, and that it will be impossible for the Court to come to a sound judgment upon the merits of the case, unless they shall be furnished with the *whole of the correspondence* explanatory of the transactions which have taken place at Hyderabad, and of the conduct pursued by our Government, either for the purpose of giving effect to existing treaties, or of imposing new engagements upon the Ameers.

I cannot conclude this imperfect sketch of our relations with the Ameers of Scinde without adverting to the determination of the Governor-General to annex their territory to the British dominions, and to open the Indus to all the world as a commercial thoroughfare.

Whether a forfeiture of their territory by those chiefs has been justly incurred, is a preliminary question which will demand our grave and deliberate consideration; but upon a very slight view of the *policy* of opening the Indus to all the nations of Europe and America, there are some strong and obvious objections.

1st. We shall facilitate the introduction of arms and ammunition into countries where we must be prepared to encounter many inveterate enemies.

2nd. We shall encourage the resort of European adventurers into the interior of India, for the purposes of intrigue, and of obtaining military service with the native princes, contrary to our established policy and to the spirit of our treaties with those Powers.

3rd. We shall facilitate and promote a contraband trade in opium by the Americans and others, to the great injury of our opium revenue.

4th. By the free admission of Europeans and Americans into the Indus, we shall aid and encourage their trade in competition with our own manufactures and shipping interests, contrary to our long-established policy, and to regulations which

have established discriminating duties for the protection of our commerce and navigation.

And has our quarrel with the Ameers of Scinde no better foundation than the costly project of opening the Indus to foreign commerce? It has always appeared to me that the advantages of opening this river have been magnified beyond all rational bounds, even with reference to commercial views, for the navigation is difficult, the country through which it flows has little of value to export, and the rude tribes which occupy it are too poor and lawless* to become large consumers of our produce and manufactures. But the idea of opening it to foreign adventurers, and of inviting *competition against ourselves*, would seem to denote a species of fiscal chivalry little reconcilable with our own interests, or with the plain dictates of common sense.

I shall be prepared, at the proper season, to support my opinions on these subjects; but it is essential that we should be put in possession of authentic documents, and that a full, fair, and *unreserved* disclosure of our late transactions in Scinde should be made to the Court, in order that we may be in a condition to form a sound judgment upon the measures which have been pursued by the Government abroad. It is for the honor and reputation of the Court, and for the interests of the public service,

* Scinde can only be held by us with the drawn sword, and even the communication by the river must for some time be protected by a military force. I doubt whether it will ever repay the cost of its conquest and tenure.—H. St.G. T.

that we should act with promptitude and firmness on the present occasion; and if it shall appear that injustice has been committed, and that the public faith has been violated, our way is clear—and we must either endeavour to correct what is wrong, and to repair the injuries which have been done, or we must be content to be held up to public odium as the abettors and protectors of the wrong-doer.

THE ANNEXATION OF SCINDE.

[The following paper, written in September, 1843, is in continuation of the same subject. Some of the arguments adduced in the preceding minute are here reiterated and amplified; but it has been deemed best, in spite of these reiterations, to give the document in its integrity. The two papers embrace a very complete review of the whole question of the conquest and annexation of Scinde. Mr. Tucker, it will be seen, was prepared to carry out his opinions in practice even to the extent of the restoration of the Ameers to their confiscated dominions.]

While I have witnessed with feelings of admiration the valor and discipline displayed by the army employed in the late operations in Scinde, and the gallantry and professional talents so signally displayed by their distinguished commander, I cannot regard otherwise than with deep concern the result of proceedings which have ended in the downfal and captivity of the Ameers, and the annexation of their territory to the British dominions in India.

The East India Company cannot dispense with the obligation which they are under to consider how far the war undertaken against the Ameers of Scinde was called for, and can be justified, on public

principle; and for this purpose it will be proper to refer to some of the leading facts, upon which the merits of the case will mainly depend.

1st. The forcible seizure and destruction of the fortress of Emaum-Ghur, belonging to the Ameer Roostum Khan of Khyrpoor, although with the connivance of his relative Meer Moràd Ali, must be held to be an act of aggression and open hostility on the part of the British authorities; and for this hostile act against a party whom we were bound by treaty to protect, no plausible pretext could be found, except that the seizure of the fortress, by depriving the Ameer of a safe retreat in the desert, was conducive to the success of our projected military operations.

2nd. The dismemberment of a portion of the Khyrpoor territory in favor of the Nawaub of Bhawulpore, and the surrender to him of the districts of Subzulcote and Bhoombarra, as a free gift on the part of the British Government, who had no right whatever to the territory, must be regarded as an act of confiscation, for which no plea can be found (as in the case of Emaum-Ghur), on the ground that it promoted any military object.

3rd. The arbitrary displacement of the Ameer Meer Roostum, the head of the Khyrpoor family, in favor of his relative Meer Moràd Ali, and the elevation of the latter to the chiefship (or "Turban," as it is called), involved the assumption of a power of control over the Ameers not warranted by treaty, and amounted, in fact, to an undisguised

violation of the rights and conventional usages of the family. The feeling of distrust and alarm, engendered by this interference with the family arrangements of the Ameers, was sufficiently manifested at a later period, when the expulsion of Meer Roostum was made the chief ground of complaint by the whole body of the Ameers, and was evidently felt by them as an encroachment upon their rights, which rendered the tenure of the chiefs generally insecure, and dependent upon the will and pleasure of the Government of India.

4th. The advance of our army upon Hyderabad, their capital, in despite of the strong remonstrances of the Ameers, while a treaty was pending, and was actually in course of signature, cannot be regarded otherwise than as an act of open hostility, which justified preparations for defence, and which scarcely left it in the power of the Ameers to control, or restrain, their unruly and semi-barbarous feudatories and retainers. It must, at the same time, be observed that the report of the conference of the Commissioner, Major Outram, with those chiefs, satisfactorily shows that they were anxious to avoid a rupture; and that, when the Commissioner and his escort were attacked by an infuriated multitude, the Ameers made every exertion, at some personal risk, to protect and ensure the safety of the Commissioner and his attendants.

It is, indeed, clearly established that the Ameers, after reluctantly signing the new treaty, forewarned the Commissioner, Major Outram, of his danger

from the violence of the Sirdars and their Beloochee followers, over whom they exercised no paramount or efficient control—that they urged him to retire in time—and that, when attacked by a disorderly soldiery, they made every exertion for the protection of his person. There would seem, then, to be no sufficient grounds for the imputation of "treachery;" and the battle which followed must be regarded as a necessary consequence of the advance of our army, and of the hostile attitude which it assumed, threatening an immediate attack upon the capital (Hyderabad), and compromising the safety of the chiefs and their families.

It must not, moreover, be overlooked that the previous correspondence with the Ameers was of a menacing character—that particular chiefs were denounced—that threats of imposing penalties and confiscations had been held out—that we continued to occupy the strongest military positions in the country, and clearly manifested an intention to retain military possession of it—that in arresting and disarming parties of the Beloochees, prior to the action on the 17th February, we virtually commenced hostilities in a manner most irritating to the feelings of a proud soldiery—that our previous interference in regard to the collection of Transit Duties, under a very doubtful construction of the treaty, our peremptory demand for the refunding of the money, and for the surrender of the Karbar, and for the suppression of all future collections, showed a determination on our part to exercise an authority

in the internal management of the country, quite independent of its native chiefs. And further, it cannot be denied that some of the articles of the new treaty were of a highly offensive character, especially that which stipulated for the supply of fuel for our steamers, involving as it did a contingency which the Ameers most dreaded—the encroachments upon, and eventual destruction of, their favorite Shikar-gurhs, or hunting preserves—that the stipulation regarding the coinage of the country was an assumption on our part of one of the most marked attributes of sovereignty—and finally, that the treaty throughout imposed conditions irreconcilable with the independence of the Ameers, and little calculated (with the single exception of the article relinquishing the money tribute) to conciliate the good-will and confidence of those chiefs, or to obtain their cordial co-operation in carrying the treaty into effect.

In what degree the political errors which have been committed may be assignable to the Governor-General and to his local representative, it is not material to inquire; because the selection of the political functionary (and a better selection for military purposes could not possibly have been made) was the act of the Governor-General—because the powers exercised were conferred by the same authority—and, if these powers were exceeded, or if the public functionary on the spot failed to observe a sound discretion, and was permitted nevertheless, without check or reproof, to pursue a wrong course,

the Governor-General is clearly answerable for the consequences; but, in fact, his lordship, in his despatch of the 13th March, expressly avows that "Sir Charles Napier had his instructions more than three months before the battle of Meanee," and he refers to what had been done in terms of unqualified commendation.

Upon a full and careful examination of all the circumstances bearing upon the case under review, it is impossible not to arrive at the conclusion that the whole course of our proceedings towards the Ameers of Scinde in the late transactions in that country, was calculated to irritate, alarm, and alienate those chiefs, their Jagheerdars and dependents, from the British Government; and that the rupture which ensued was an act of desperation, which ought not to have been visited with those extreme penalties justly attaching to premeditated treachery and unprovoked hostility.

It may be proper to advert in this place to the charge brought forward against the Ameer of Khyrpoor, Meer Roostum, and his minister or agent, Mahomed Ghoree, of having entered into a treasonable correspondence with a foreign Power, and of having connived at the escape of a state prisoner; but it will be sufficient to observe that the charges have not been established on any conclusive or satisfactory evidence, that they have been steadily denied by Meer Roostum, that the character and former conduct of that chief furnished a presumption in his favor, and that the letter supposed to

bear his seal, and addressed to Maharajah Sheer Singh of Lahore, if really genuine, contained no matter of a treasonable character which could fairly be construed into a violation of the existing treaty. Let it be remembered that the Rajah of Lahore was at the time the acknowledged and firm ally of the British Government; and to suppose that he would receive and suppress a treasonable letter, would be to impeach the loyalty of that prince, while on the part of Meer Roostum the act of addressing such a letter to our ally would indicate senseless infatuation. What more likely than that the letter was a fabrication of Meer Morad Ali, who was intriguing to supersede his chief in the person of his own brother?

I am not at all disposed to undervalue the advantages of an extended commerce, nor to deny that it would be desirable to substitute good government for the state of anarchy and mis-rule which is alleged to exist in Scinde—nor to overlook the moral obligation imposed on a civilised and Christian Government to remove, or to mitigate the evils of slavery; but even these important objects would be purchased too dearly by the sacrifice of the national honor, and our reputation for justice, probity, and good faith; and it may, indeed, be questioned whether such ends, desirable as they may be, can ever be successfully prosecuted by arbitrary and unjustifiable means.

Upon each of these heads it may be useful to offer a few explanations.

The advantages of the river Indus as a great thoroughfare for commercial and political purposes, have, I apprehend, been greatly magnified and overrated; for the entrance into that river during three or four months in the year is nearly closed and inaccessible; while, from the changes which take place in the direction of the stream, and from the sudden formation of sands and other obstructions, the navigation is difficult, tedious, and sometimes unsafe.

The country through which it flows has little of value to export; and the rude tribes who occupy it are too poor and unsettled, and too little addicted to habits of industry, to become large consumers of our produce and manufactures. In particular situations, too, the river is commanded from its high banks by the predatory tribes, who find shelter in the neighbouring deserts, and whose lawless depredations can only be restrained by the presence of a military force. In these respects the Indus resembles the Euphrates more nearly than the Ganges.

There are other circumstances, moreover, which are unfavorable to our occupation of Scinde. The climate is intensely hot, and is very unhealthy during a portion of the year; and if we are to maintain a large military force in the country to overawe its unruly population, we must be prepared for a serious waste of human life, as well as of treasure.

But upon the policy of opening the Indus indiscriminately to the nations of Europe and America, as announced in the proclamation of the Governor-General, the following objections obviously occur:

1st. We shall facilitate the introduction of arms and ammunition into countries where we must be prepared to encounter the hostility of warlike tribes, whom we shall thus arm against ourselves.

2nd. We shall encourage the resort of European adventurers into the interior of India for the purposes of intrigue, and of obtaining military service with the native princes and chiefs, contrary to our established policy, and to the declared object of the treaties which we have required the Native States to contract with us. Nay, if we had anything to apprehend from an European enemy, to open the Indus would be to expose gratuitously one of our flanks, and to render necessary the maintenance of a military force for the purposes of defence. The intention, no doubt, is to give extension to commerce; but in India commerce has been the pioneer to political power.

3rd. We shall facilitate and promote a contraband trade in opium by the Americans and others, to the great detriment of our revenue.

4th. By the free admission of Europeans and Americans into the Indus, we shall aid and encourage their trade, in competition with our own manufactures and shipping interests, in contravention of those regulations by which discriminating duties have been imposed for the protection of our commerce and navigation.

It can scarcely be admitted, then, that the project of throwing open the Indus to the commercial world, is recommended by any sound views of policy; and

it may, on the contrary, be affirmed that it involves the sacrifice of our national interests, and is at variance with those maxims on which fiscal and commercial legislation is usually founded.

On the benefits likely to result from the establishment of regular government in Scinde, it is only necessary to observe that we are not called upon to volunteer our services in the introduction of our system of internal administration among rude and barbarous tribes, whose habits, usages, and notions are altogether different from our own, and who, from religious feelings and national prejudices, are adverse to the introduction of our rule among them. It may further be urged, that the fatal issue of our connexion with Afghanistan ought to have placed us on our guard; for although we have not in Scinde the formidable defiles and other physical obstructions which embarrassed our military operations in Afghanistan, we have in Scinde been brought into collision with a race of men equally warlike, daring, and sanguinary; who will find a safe retreat in the surrounding deserts, in which a regular army cannot follow them without being exposed to a harassing service, involving risks beyond the ordinary contingencies of war.

That the abolition of slavery should be kept in view, as an ultimate object highly interesting to an enlightened Government, cannot admit of question; but that its sudden abolition in a country where it has long constituted a part of the social system of the people, must produce discontent and derange-

ment, is a fact which no statesman ought to overlook or disregard. It is understood that the state of domestic slavery, or bondage, existing in Scinde, is not characterised by those harsh and revolting features which usually mark the condition of the predial slave; but whatever may be the evils attending this state of society, they can only be met and overcome by cautious and prudent management. The property in the slave cannot be peremptorily annihilated without some indemnification. The old and infirm cannot suddenly be thrown upon society without some provision for their subsistence. The Zenànàs of the chiefs and others cannot authoritatively be thrown open, and their inmates dispersed, without outraging the feelings of the people, and calling into violent action those passions which may become dangerous to the peace of society. These considerations, although sufficiently obvious, appear to have been overlooked in the resolution of the Governor-General of India for the immediate abolition of slavery in Scinde.

I have not judged it necessary to carry the retrospect to past proceedings in Scinde beyond the last year; because the rupture with the Ameers, the confiscation of their territory, and the other events referred to, have all taken place within the last twelve months, and did not necessarily result from antecedent transactions. It is not sufficient to say that acts of aggression were committed by a preceding Government, for violence and oppression can never be justified by precedent. The Ameers sub-

mitted to our encroachments in 1839 because they were helpless; but harsh and severe as may have been the treatment which they experienced at our hands, they took no advantage of the disasters sustained by our army in Afghanistan, when their hostility might have aggravated the difficulties of our position, and have prevented, perhaps, the triumph which subsequently crowned our arms. Far, then, from regarding the Ameers as the just objects of our vengeance, it appears to me that, simply by their forbearance and neutrality, they established claims upon our national gratitude. It would be easy to enlarge on this subject, and to show circumstantially that the Ameers had great cause for jealousy, and distrust, and complaint; and that if their conduct was equivocal on particular occasions, it was the natural result of those apprehensions for their own safety, which our advance beyond the Indus, and the seizure of their military posts, could not fail to produce.

Upon an attentive consideration of the circumstances thus concisely noticed, it appears to me that sufficient grounds have not been shown for the forcible ejection and expatriation of the Ameers of Scinde, and the annexation of their country to the British dominions, as a forfeiture justly incurred by treachery and the unprovoked hostility of those chiefs.

That the proceeding of the Governor-General in this instance was directly at variance with the principles and policy formally announced to the princes

and people of India in his lordship's proclamation of the 1st October, 1842.

That, if considerations of policy could in any case be admitted to outweigh the obligations of justice, there would seem to be no motives of policy which recommended the confiscation of the possessions of the Ameers, and the annexation of Scinde to the British dominions in India.

That it is, consequently, incumbent upon the home authorities to replace the Ameers as nearly as existing circumstances will permit, in the position which they occupied prior to the late rupture, under such modifications of the treaty of 1839, and of the treaty of the 12th February last, as may appear to be most conducive to the well-being of the Ameers themselves—to the amelioration of the condition of the people—to the general interests of commerce—and to the maintenance of those friendly relations between the chiefs and people of Scinde and the British Government, which must tend to their mutual advantage.

I have more than once placed on record the expression of my deep conviction that our empire in India is only to be maintained, *for any beneficial purpose*, by a strict adherence to the obligations of justice, by a faithful adherence to our treaties and other engagements, by respecting the rights of the native princes and chiefs, and by refraining cautiously and habitually from every act calculated to outrage or to offend the religious feelings and prejudices of the people, from among whom our native army is raised and recruited. We may, no doubt, continue to hold

the country by an overwhelming military force, but if confidence be extinct—if respect for our national character (that great element of strength) be once destroyed or shaken, and the attachment of the people be estranged—if, in short, the sword is always to be drawn, to keep in subjection an adverse population—our tenure of the country may be maintained for a longer or shorter period, but that country will be *valueless*, and our rule become matter of just reproach. Chief after chief has disappeared of late; principality after principality has merged into our all-absorbing dominion; and the forcible seizure of Scinde will, I fear, tend to destroy the confidence of every native state, prince, and chief in India, in the permanency and security of their possessions, and go far to extinguish the hope that those possessions will be permitted to descend unimpaired to their posterity.

THE ADMINISTRATION OF LORD ELLENBOROUGH.

[Written in February, 1843.]

The conduct of Lord Ellenborough from the commencement of his administration, has been marked by rashness and precipitancy, and by the absence of that prudence and temper which are indispensable in the ruler of a great empire.

His lordship manifested at an early period a prejudice against the civil service of Bengal; and he is reported to have treated the members of that service with the utmost neglect, if not with contumely. His

suspension of Mr. Erskine was arbitrary, and was marked by a degree of severity uncalled for and unusual in our service.

I think it quite unnecessary to defend the character of the civil service of India; but the Governor-General who alienates this service by acts of tyranny, or by contemptuous conduct, deprives himself of the zealous offices of that instrument by which he must conduct the affairs of the country.

His lordship's financial despatch of the 7th August, 1842, was unbecoming and disrespectful towards the Court; and it excited, on its first perusal, a general burst of indignation.

His lordship's proclamation of the 1st October, 1842, lays down some sound and salutary principles of policy; but it was ill-timed and imprudent in the highest degree. It was evidently intended to exhibit a contrast between his policy and that of his predecessor; but the direct condemnation of Lord Auckland was unbecoming; and Lord Ellenborough seems to have forgotten that this sort of antithetical exposure was calculated to destroy the *unity* of our Government in the minds of the natives, and to weaken their confidence in the stability of our policy, and in the wisdom, justice, and consistency of our rule.

His lordship's subsequent proclamation of the 16th November, regarding the Gates of Somnàth, would be viewed as something puerile and ridiculous, if it did not bear a mischievous character. It involves a departure from the policy which has been successfully observed by us throughout our administration of British India. By that policy we have stood aloof as

a powerful umpire between the religious sects of India, extending *equal protection impartially to all;* and by this simple and just course we obtained the confidence, and commanded the services of all. But Lord Ellenborough has come forward as the special protector of the Hindoo, and as the avenger of his wrongs against his Mahomedan despoiler. It is to be hoped that this vain and ill-conceived effusion will be treated with the neglect it deserves; but if taken as a grave indication of the feeling and temper of our Government, it may produce a very injurious effect in the minds of our Mahomedan subjects, and in particular on the attachment of our Moslem soldiery. Its character with reference to our own religion is calculated to produce a feeling which a man of common prudence would have been careful not to excite.

Lord Ellenborough has manifested singular precipitation in displacing the political functionaries in Scinde, and especially Major Outram, who has rendered most important services, and without whose zealous and spirited exertions, aided by his personal influence with the Brahoe and other tribes, it may be doubted whether the reinforcements under General England could ever have found their way to Candahar, and whether General Nott could have been placed in a condition to prosecute his march upon Ghuznee and Caubul with any prospect of success. Without this co-operation, the movement of General Pollock upon Caubul must have been hazardous, if not impracticable.

But Lord Ellenborough has been thanked by Par-

liament and by the Court of Directors for promoting the success of our military operations in Afghanistan; and it may be well to consider the degree of merit which may fairly be ascribed to his lordship for his participation in that service.

It is quite certain that the orders of the 29th April and 6th May, 1842, authorised and required our armies to retire from the different posts still held by our troops in Afghanistan (Candahar, Kilat-i-Ghilzee, Quetta, &c.); and that the order was not carried into execution by our officers, either because its immediate execution was impracticable, or because it was countermanded before the movement could be undertaken.

It is also certain that General Pollock was authorised to treat with the *de facto* Government of Caubul for an evacuation of the country on the basis of an exchange of prisoners; and I would refer to the instructions of the Governor-General of the 29th July, 1842, in proof of this fact.

It appears, moreover, that Akbur Khan was the only person excluded from the benefit of an amnesty; and that General Pollock was authorised and required to bring this chief to trial, and eventually to proceed to his execution.

In abandoning Caubul to anarchy and bloodshed, Lord Ellenborough seems to have forgotten his own principles of political morality, and to have followed the course which he so unreservedly condemned in his predecessor. We had displaced one Government, and had introduced general confusion throughout the

country; and Lord Ellenborough was morally and politically bound to endeavour, as far as possible, to restore order, and to prevent if possible a desolating civil war, and the probable massacre of the boy who was left in possession of the "Bala Hissar." Moreover, by the unconditional release of Dost Mahomed, a firebrand will be thrown among the combustibles, and the tragedy will probably end in the destruction of the Durànee race. This, perhaps, was an inevitable consequence of the first false step, but I cannot perceive that any attempt was made to avert it.

We are not yet in a condition to judge of the reasons and motives for the military spectacle exhibited on the banks of the Sutlej; but it must have been attended with an enormous expense, and with serious injury to the inhabitants of the country, for it is well known that large bodies of men cannot be moved in India without giving occasion to plunder and to the destruction of the crops, orchards, &c.; while it rarely happens that any adequate indemnification is obtained by the proprietors. If the gorgeous pageantry and the assembling of the princes and chiefs of India at Ferozepore were intended only as a vainglorious display to grace the triumph of the Governor-General, it is to be apprehended that the sagacious people of that country may have regarded it as indicating a design to gloss over our escape from a great danger, rather than as a genuine feeling of exultation in the success of our arms.

Lord Ellenborough's precipitation in awarding medals, &c., is very remarkable, for his lordship

trenched very closely on the royal prerogative; and the elaborate attention bestowed on the selection of a fanciful ribbon was scarcely in keeping with the attributes of a great statesman. Indeed, his lordship's over-solicitude on all occasions *to do much*, has generally caused him to have *much to undo*.

The topics referred to have no necessary connexion with the proceedings of the Governor-General in Scinde; but they have a general bearing upon the character of his lordship's administration. A civil governor is not entitled to praise for the valor of our troops and the success of our army, unless it shall appear that his original views were *just*—that his plans were wisely conceived—that his means were adequate, and well adapted for the accomplishment of those ends—that the time for their application was well chosen—and that success was a probable and legitimate consequence of his combinations.

If a civil governor place an army in a false or dangerous position, he deserves censure, although the army may be extricated from its difficulties by the skill of its commander and the gallantry of his troops.

In the Afghan campaign, the orders of Lord Ellenborough showed *prima facie* great indecision—they were not framed with that forecast and comprehensive view of our position and circumstances which should distinguish the statesman. Orders for a retreat were given when our army had no means of moving, in consequence of the want of cattle; and had it attempted to move, its retreat must speedily

have become a flight. The advance of General Pollock was so long delayed that only a month was left for making those arrangements and dispositions, both military and political, which were necessary for the purpose of restoring something like order in the country, and also for the purpose of preventing our hasty departure from being regarded as an inglorious abandonment of our position.

The difficulty in obtaining the necessary carriage and supplies may have rendered the earlier advance of General Pollock impracticable; and the uncertainty which Lord Ellenborough may have been under, in regard to obtaining reinforcements from England, may have impressed him with the apprehension that he could not command military resources sufficient to enable him to undertake a great forward movement; but similar difficulties and uncertainties did not discourage some of his predecessors, and the question still remains whether Lord Ellenborough was instrumental in producing the success of our arms.

I was one of those who entertained the highest opinion of Lord Ellenborough's talents, energy, and indefatigable application to business; and I anticipated the best results from his administration of India. But I have seen so many instances of rashness and imprudence, and of a presumptuous disregard of the rules and usages of the service, and of the well-weighed policy of our Government, that I see reason to examine more particularly how far our anticipations of a prosperous administration are likely to be realised.

[The following more detailed remarks, written very soon afterwards, are appended to the above paper.]

1st. New Cantonments, &c.—The Court of Directors have had before them two letters from the Governor-General, bearing date the 18th October and 22nd November last, communicating to the Court his intention to make various arrangements for the cantonment of the troops on the north-western frontier, embracing a most extensive line of works from the borders of Nepaul to Ferozepore, or Loudiana, on the Sutlej. It would be premature to enter upon the details of this important change in the disposition of our army, involving, as it would do, the erection of new cantonments upon a large scale, the construction of bridges, roads, towers, telegraphs, and other works, at an enormous expense. I shall simply observe that the Governor-General does not appear to have consulted either the Commander-in-Chief or the Military Board, or the Medical Board,* or the chief engineer, on the expediency of undertaking this vast project, or on the practicability of its execution. Nor has his lordship called for any estimate of the probable expense of these extensive works from the proper officers. On the contrary, he concludes his despatch of the 18th October with these remarkable words:—"But where the health of troops and the efficiency of an army are in question, I do not deem myself to be justified in attending to

* His lordship did not even take the trouble to inquire if water were procurable.—H. St.G. T.

mere financial results, and hardly even in adverting to them."

These are, no doubt, most important objects; but it does not follow that the Governor-General has adopted the best means for promoting them, nor does it appear that any inconvenience could result from taking the opinion of the professional authorities upon a professional question, according to the established usage of the service. There are few things which may not be purchased too dearly; and Lord Ellenborough might have recollected that the Government of India are expressly prohibited from undertaking works of magnitude, or ordering an outlay for new buildings beyond a certain amount, except in cases of emergency, without the previous sanction of the home authorities. Now, it cannot be pretended that this was a case of emergency, or that any inconvenience could have arisen from a delay of three or four months in consulting the home Government; for the proposed works are of such extent and magnitude that years will be required probably for their completion.

The principal ground urged for the movement of the troops is the supposed unhealthiness of Kurnaul; but the medical returns show that this is one of the most healthy cantonments in the Western Provinces.

Upon the whole, it may be observed that this is perhaps the most precipitate of the many hasty proceedings by which his lordship's short administration has been characterised.

2ND. NEW CORPS OF ARMED POLICE.—The formation of a new corps of military police may be justifiable and expedient; but it involves a change of system, and it ought to have been submitted for the consideration and orders of the home authorities prior to its establishment. The communication with India is now so rapid, that there can be no just ground for proceeding to the adoption of any important arrangements without consulting the home Government.

3RD. SCINDE ARRANGEMENTS.—The subversion of the Government of the Ameers of Scinde, and the annexation of their territory to the British Empire, is a proceeding upon which we are not at present prepared to form a judgment;* but if it shall be found that we have been the aggressors, Lord Ellenborough will have incurred a deep responsibility, and will have been the first to violate his own declared principles formally announced in his proclamation of the 1st October, 1842, to the princes, chiefs, and people of India.

4TH. H. M.'s REGIMENTS.—Lord Ellenborough, in refusing to allow the soldiers of H. M.'s regiments embarking for England permission to enlist in corps remaining in India, not only deviated from an established usage, but he deprived the Government of the services of men seasoned to the climate—incurred an unnecessary expense in conveying them to England —and, in the instance of those who had contracted

* This was written just after the first receipt of intelligence of the conquest of Scinde, but before the details of the transaction were known.

marriage, and had families by the native women, he was guilty of great harshness, either in compelling these men to abandon their wives and children, or to carry them to a country and climate ill-suited to their constitution and habits.

5TH. SAUGOR ARRANGEMENTS. — Lord Ellenborough's removal of the whole establishment of the Saugor and Nerbudda territory, and the substitution of young military men, is a measure likely to produce much public inconvenience, independently of its injustice to the individuals affected by it. Some of the officers who have been appointed are without experience in the administration of civil affairs; whereas one of the civilians who has been superseded (Mr. McLeod) bears a high character, and has managed a portion of the territory for some years with great credit and success.

CASE OF COLONEL OUTRAM.

[Written in 1846.]

I quite concur in the opinion that newspaper controversies between the officers of Government are to be deprecated, and, if possible, to be prevented, and especially where they degenerate into personal attacks upon the public or private character of individuals.

But in these cases the aggressor is first to be dealt with, for, in reality, he is the originator of the mischief.

Colonel Outram considered himself to have been aggrieved and calumniated by the publication of General William Napier,* and he also considers his professional character and public conduct to have been arraigned by Sir C. Napier in the correspondence published by the home authorities. His commentary was intended to be a reply to those attacks, and a vindication of his own character and conduct, and his justification of this unusual proceeding is simply this—that, as his own masters would not interpose to defend his public character, he, as a man of honor, was compelled to defend it himself.

Sir C. Napier, be it observed, has not only animadverted in very offensive terms on the conduct of Colonel Outram, but he has, in a most wanton and unprovoked manner, assailed the civil service of India, and he has not scrupled even to attack the Government of Bombay and the Court of Directors, under whom he serves. Can he, therefore, with any

* "The Conquest of Scinde."

degree of consistency, come forward to complain of one whom he has himself attacked, and whose reply was intended as an answer to such attack?

If Sir C. Napier felt himself to be aggrieved by any unwarrantable proceeding on the part of Colonel Outram, it was competent to him to bring that officer to a court-martial.

I apprehend the most serious inconvenience, if not disastrous consequences, as likely to result from the agitation of this question.

Colonel Outram will never submit to be condemned unheard, and he will place everything at stake rather than allow his honor and his professional character to be impeached.

The Court of Directors will never consent to allow one of their servants to be degraded, without being satisfied that he has justly incurred their displeasure.

The agitation of this question will again bring the whole of our proceedings in Scinde under review; and I do not believe that any impartial man, who has made himself acquainted with those proceedings, will be found to justify, or to palliate, them. There cannot be a doubt that the public voice has pronounced against them, although the strong case which the Court of Directors have it in their power to bring forward has not yet been placed before the public. There is not, I have reason to believe, a single member of the Court who does not reprobate those proceedings, as characterised by acts of the grossest injustice, highly injurious to the national reputation.

I myself have placed my opinions on record on this subject; and I will only add that no consideration shall ever induce me to be a party in the condemnation of Colonel Outram, until the proceedings of his assailants have been visited with just animadversion as the original aggressors. This duty ought long since to have been performed by the proper authorities to whom those officers are amenable.

I may observe, further, that the Secret Committee have no power to condemn, punish, or even censure, a public servant who is under the immediate protection of the Court of Directors; and that I, as a member of that Committee, would not sign any despatch assuming such a power.

If it be proposed to censure Colonel Outram through the Court of Directors, then I would observe that, as far as I can judge, the Court would steadfastly resist any attempt to make them parties to any such proceeding. For myself, I can say that I will never willingly become a party to what I believe to be an act of injustice. I have already faced a mandamus, and I am prepared to face it again, in what I believe to be the cause of truth and justice.

Colonel Outram's is not an isolated case. It is inseparably blended with the question of Scinde; and it cannot be dealt with without opening the whole proceeding connected with the acquisition of that country — a proceeding more iniquitous than any which has ever stained the annals of our Indian administration.

HINDOOISM AND CHRISTIANITY.

RELIGIOUS CEREMONIES AND ENDOWMENTS.

[Written in 1838.]

THERE are several questions, distinct in themselves, which have been very much blended in the public discussions which have taken place in this country; and much embarrassment has been produced by their being thus blended, for parties have not come to a distinct understanding upon the points at issue; and different individuals, who might concur upon particular points, may, nevertheless, feel unwilling to commit themselves to any general proposition on so large and complicated a question.

1st. We have to consider how far the British Government stands pledged to protect our native subjects in the free exercise of their religion; and how far they can consistently with such pledge take any steps to put down, or denounce, idolatrous worship, or other rites and observances abhorrent to our feelings as Christians.

2nd. Whether we can, as Christians, allow the public servants professing Christianity to take part in, or be present at, the ceremonials of our Hindoo or Mahomedan subjects at their religious festivals; and whether, in the event of it being judged neces-

sary, or becoming in us to interdict or dispense with such attendance, we shall be justified in requiring the complimentary attendance of our native troops at our own religious festivals.

3rd. Whether the British Government can, consistently with its Christian character, continue to levy the Pilgrim-tax, and to appropriate the revenue derived from this source to the purposes of the State.

Lastly. Whether our Government is bound to recognise and perpetuate the religious endowments created by the native Governments—our predecessors; and whether we can, without impropriety, employ our own officers—Europeans or natives—in collecting the rents of land appropriated to religious purposes and uses.

Upon the first question there cannot, in my opinion, exist a doubt. We have in the most formal manner, and by the most authentic acts, guaranteed to the natives of India under our rule* "the free exercise of their religion." We have done this, not

* See Preamble to Regulation III., 1793:

"The many valuable privileges and immunities which have been conferred upon the natives of these provinces, evince the solicitude of the British Government to promote their welfare, and must satisfy them that the regulations which may be adopted for the internal government of the country, will be calculated to preserve to them the laws of the Shaster and the Koran, in matters to which they have been invariably applied—*to protect them in the free exercise of their religion*—and to afford security to their persons and property. The benefit, however, which they would derive, solely from regulations enacted for the above purposes, would be but partial, unless the judicial establishments for dispensing those regulations are framed upon principles which will render them the means of protecting private rights and property under the changes and temporary derangements to which all forms of government must occasionally be liable."

merely in the spirit of *toleration*, but as the protecting Power, which not only engages to abstain from all interference with the religious rites and ceremonies of its subjects, but which undertakes to defend them against all such interference on the part of others. This is the *compact* existing between the British Government and its Hindoo and Mahomedan subjects, upon which their allegiance and our dominion depend; and any infringement of it cannot fail to be attended with the most disastrous consequences. Our rule and supremacy have been hitherto maintained by our native soldiery; and any spirit of disaffection which might pervade that body, originating in a religious feeling, would shake the very foundation of our empire. The country cannot be held in subjection by an European force; and if the Hindoos and Mahomedans, united by one prevailing sentiment, should make common cause for the defence of their religion, they would not stop at mere defensive measures. Once aroused, they would proceed to extremity; and not only would the lives and fortunes of every European in the country be placed in the utmost peril, but the very existence of our Government would be endangered, while the last hope of propagating the truths of Christianity in India (save only by Divine interposition) must for ever be abandoned. The safest, and perhaps the only means of accomplishing that object by human agency, would be by gradually opening the minds of the people, and especially the rising generation. Some progress has already been made in introducing a better system of education: the higher class of Hindoos,

who have become familiar with European literature, are beginning to use their excellent understandings; and nothing could more certainly arrest their progress towards a better state of things, than an unseasonable indication on our part of an intention to effect their conversion. Any attempt of the kind would excite immediate and general distrust and alarm, and would arm their religious prejudices, and their religious *pride*, against us.

The Government of India have hitherto carefully abstained from acts which might identify them with the proceedings and objects of the Missionary Societies, and others, engaged in the propagation of Christianity in the East; and it is only by reason of the confidence which this forbearance has inspired, that they have been enabled to interpose powerfully and successfully between the different sects whose violent contentions have frequently endangered the public tranquillity. At Benares, and other places, the Hindoos and Mahomedans have at different times engaged in serious conflict. It has been found necessary in these cases to call out our native troops; and corps, composed indifferently of Hindoos and Mahomedans, have been known, at the command of their European officers, to fire upon their countrymen of both creeds, in order to put down religious feuds and insurrection by force of arms, while their own feelings were strongly engaged with the combatants; and nothing but a sense of duty, and habitual confidence in our Government, could have prevented them from joining the opposing ranks, and rendering the public disorder general and irremedi-

able. Let the grounds of that confidence be once removed—let their attachment and fidelity to their trust be once shaken, and who can fail to perceive that our dominion in India will no longer rest on any solid foundation? This is a topic of great delicacy, on which it would not be prudent to enlarge; and it is one of the inconveniences and disadvantages attending the position of the Court of Directors, that they cannot bring forward those facts and circumstances connected with our political situation in India, and with the tone and temper of our native troops, which would go far, I think, to satisfy the most daring innovator, and the most unreflecting enthusiast, that we could not depart from the course of policy hitherto observed, without compromising the public safety, nor without danger to the interests of religion itself.* Let the British rule be extinguished in India, and when and from what quarter would the lights of Christianity shed their benign influence on Hindostan? I can only anticipate the return of anarchy, barbarism, and universal darkness.

2nd Question.—On the second branch of the subject I must observe that, under the Presidency of Bengal, the public servants are never required to attend at the religious festivals of the natives; nor has it been customary to fire salutes, or to pay any other public compliment on such occasions. Detachments of troops are sometimes employed to preserve order at these festivals, when large bodies of men are assembled, and especially when the Mahomedan

* See minutes of Sir Thomas Munro and Mr. Thackeray, recorded in 1822.

festival of the Mohurrum, and the Hindoo festival of the Doorga Poojah, occur at the same time. The processions, in these cases, would not meet without a sanguinary conflict, which the ordinary police would not be able to suppress; but, in employing the military at such times, they are strictly confined to the duty of maintaining the public peace. The Government interpose as a powerful mediator between its subjects of different creeds, in order to protect their persons, and to secure to all the free exercise of their religious observances.

At Madras and Bombay a different usage has to some extent prevailed. It has been usual at those presidencies to pay military compliments on some of the great native festivals; but it must be observed, that these honors were paid as a tribute of respect to the sovereign of the country rather than to his religion. We have now assumed the sovereignty, and such honors may no doubt be hereafter dispensed with. The discontinuance of them involves a question of *time*, and *manner* of proceeding; and this question can most safely be left to the discretion of the Government of India. Usages which have long existed, cannot always be discontinued without inconvenience; and it will be necessary for the local authorities to proceed with caution and circumspection in introducing any change which may affect the religious feelings of the people; for although they may submit in silence, a secret discontent may be fostered; and if any impression unfavorable to the Government should afterwards arise, from whatever source—or if any disastrous event should unhappily

occur, the religious spark which lay concealed will then show itself, and may produce a flame which it will be difficult, if not impossible, to extinguish.

Military salutes, parades, and other demonstrations in honor of particular anniversaries, cannot of course be altogether dispensed with; but it will not be difficult to divest them of such a religious character as might suggest to our native troops the same scruples which have been felt by our own countrymen when called upon to take part in a ceremonial inconsistent with what they believe to be their religious duties.

3rd Question.—The Pilgrim-tax descended to us from the native Governments; and it has been continued more with reference to objects of police, than with the view of augmenting the public resources.

When the settlement of Behar was concluded in 1780-81 for five years, with the Rajahs Kulliam Singh, and Khgaliram, the duty on pilgrims resorting to Gyah constituted a branch of the "Sayer," and was managed as such by a Mussulman agent, or farmer. This person is represented to have been guilty of great extortion and oppression; and in 1784 the then collector* induced the Government to commit the charge of the collections to his hands; and from that time the tax has been collected under the superintendence of our revenue servants, much to the contentment, I believe, of the pilgrims and of the Hindoo population generally, who attach much

* Mr. Thomas Law, a very estimable officer, the son of a bishop, and brother of two bishops.—H. St.G. T. [See *post*, page 376.]

importance to the pilgrimage to Gyah, as an act of piety towards deceased ancestors.

The question to be considered is simply whether the Pilgrim-tax can justly be regarded as connecting the Government with the worship of idols, and as encouraging idolatrous worship; and whether the revenue derived from such a source can be received and appropriated by the British Government without compromising its Christian character.

I will readily concede that a tax on religion, except for the purpose of providing for its service, and of defraying the expense of maintaining its temples and priesthood, cannot be justified; and I consider it unworthy of a great Government to levy contributions from the religious feelings of its subjects of any description.

But this is not the objection which has been urged against the tax. It has been represented as involving pollution: it is contended that the funds levied from so impure a source cannot be applied to public purposes by a Christian Government without moral contamination, while the imposition of the tax itself is calculated to promote idolatrous worship.

In general, it has been supposed that the performance of any act is likely to be *discouraged* by pecuniary impositions; but in the particular case of the Pilgrim-tax, I am disposed to think that it is willingly, if not cheerfully paid, as the means of obtaining security to the person and property of the pilgrim, as well as free access to the object of his worship. It is held to be a pledge of *protection* on

the part of the Government; but I cannot believe that the tax itself *encourages* the resort to the temple. If the same protection were afforded without its concomitant, I cannot satisfy myself that the pilgrimage would be less frequently undertaken; although we do sometimes find instances of that perverseness in human nature which causes men to disregard and undervalue objects which are easily attainable, and to pursue with ardor those which cannot be reached without difficulty and expense.

Nor can I think that the contributions of the pilgrims, in the shape of a duty or tax, may not be applied, with perfect propriety, to the benefit of the contributors, by constructing roads, bridges, serais, and other works tending to promote their comfort and accommodation. We do not, it is true, disburse the identical rupees received from the pilgrim for this express purpose; but we expend a much larger sum annually on such objects than the Pilgrim-tax produces; and if it be desirable to make such special application of the funds, an arrangement for the purpose can, no doubt, be made, without involving any pecuniary sacrifice, and without the interposition of European agency, either in collecting the tax, or in appropriating the proceeds. The primary object of such appropriation should certainly be to maintain the necessary establishments for preserving order, and for protecting the person and property of the pilgrim; and in reality a large portion of the funds collected has been applied to this purpose at Jugurnath and other places.

I have always been of opinion that the British Government should abstain from all interference in the interior management of the temples. It was clearly unbecoming in us to undertake the office of superintending the administration of Jugurnath, by directing the supply of food and clothing for the idol, and by engaging in other details of the kind; but all this was intended to prevent malversation and abuse; and the following section of Regulation IV., 1809, will show that our Government, at an early period after the conquest of Cuttack, judged it proper to withdraw from interference in the internal affairs of the temple. Section 2, clause 1st—"The superintendence of the temple of Jugurnath, and its interior economy—the conduct and management of its affairs —and the control over the priests, officers, and servants attached to the temple, are hereby invested in the Rajah of Khoordah, who on all occasions shall be guided by the recorded rules and institutions of the temple, or by ancient and established usage."

At Gyah the Government have never interfered in the administration of the temples; the public servants being employed only to collect the regulated fees from the pilgrim, or from the Gyawals, or travelling priests who attend him; but even this office, I admit, might be committed with advantage to Hindoo agency. There are to be found, both among the Zemindars and the opulent natives at the presidency, many respectable Hindoos, who might be employed in superintending the collection of the tax, and its subsequent appropriation to such public pur-

poses as may be most conducive to the safety and comfort of the pilgrim, and to the convenience of the community generally. Such an arrangement would probably be popular with the Hindoos; and it would, I hope, satisfy the religious scruples of our own countrymen, who view the tax as unhallowed, and as disgraceful to the character of a Christian Government. The sudden abolition of it, however, would, I apprehend, be viewed with jealousy and alarm, as indicating an intention to divest ourselves of the obligation of protection, and to hold ourselves free to overthrow, at some convenient season, the Hindoo religion itself. Our native subjects will not easily comprehend that the British Government can relinquish *revenue* without some ulterior design; for although the liberal policy which led us, some fifty years ago, to limit our demand upon the land, commanded for a time their admiration, they have since seen a strong disposition to retrace our steps; as if we felt that we had made too great a pecuniary sacrifice for the benefit of the people.*

The opinions which I have maintained on the subject of the Pilgrim-tax are not new.† I never have considered religion a fit object for taxation; but it would be unjust to the Government if I failed to state that they have been actuated by no sordid views in continuing the tax. Their object has been to regulate and restrain—to prevent disorder among a tumultuary assemblage of religious enthu-

* The transit duties have lately been abolished by the unauthorised act of an individual; but compensation was contemplated in an augmentation of the duties on external commerce.—H. St.G. T.

† An earlier paper on the subject is given at page 375.

siasts—to check the extortions and violence of the priests—to protect the lives of multitudes, who throng from all quarters, and undertake long and toilsome journeys to be present at the periodical festivals—and, finally, I may observe, that the small contribution levied from the pilgrim is intended to provide a fund for defraying the various expenses which are incurred for his benefit. Let me add, that the tax was not instituted by us: we found it already established. The Mahomedan Government could never have regarded it as tending to promote superstition, or to encourage idolatrous worship. The Mussulman is a professed Iconoclast; he abhors the worship of images; and the faith in which he glories would lead him to destroy the temple of the persecuted Hindoos—to overthrow their altars—and to compel them to abandon the religion of their fathers. And how has he succeeded? The Mahomedan power is extinct in India; and in every other quarter it has been shaken to its very foundations, and stands at this moment like a pyramid poised upon its apex, ready to fall with the slightest touch. Here we have a practical lesson before us, which it would be folly to disregard. By giving way to an intemperate zeal, we shall alarm the minds, and alienate the affections of our Hindoo subjects; and thus *endanger the success of that cause*, which has excited such ardent feelings in this country, and which has for its object to *enlighten the minds of men—to extend the sphere of civilisation—and to bestow on countless millions the blessings of a pure religion.*

4th Question.—The vast territory of India has been acquired by us partly by conquest, and partly by cessions under treaty; and throughout this extensive empire we found numerous religious and charitable endowments, created by our predecessors,* which considerations both of justice and of policy induced us to recognise and to continue, and which now stand confirmed under the formal sanction of laws† enacted under the authority of the British Legislature.

These endowments consist generally of lands held under Sunnuds, or Puttahs, granted by the former Governments or their officers; and in some instances by the Zemindars, who alienated portions of their estates, and assigned them to Brahmins and others, for religious and charitable purposes.

These various grants we cannot now resume, without a violation of public faith, by any other process than that which the law prescribes. Inquiries have frequently been instituted into the nature of the tenures, which in very many instances have been resumed; and far from admitting that the British Government would be justified in seizing and appropriating the existing endowments on the plea that they tend to support a false religion, there is reason to apprehend that we have pushed our resumptions far beyond those limits which justice, policy, and humanity alike recommend.

The Government is sometimes compelled by cir-

* See Regulations 19 and 37 and 41—1793.

† See Act 37th Geo. III., cap. 113, sec. 8.

cumstances to employ its servants in the management of the alienated lands; but this course is not pursued from choice: it is rendered sometimes necessary for the preservation of the property, and—in cases of litigation—the intervention of a disinterested party becomes necessary to prevent violence and to guard against waste.

These endowments are as much a property as the Church lands of England; and they are liable to be contested as such in our Courts of Justice. Even the possession of an idol, or the performance of some religious ceremony in the temples, may become the subject-matter of litigation; and, however strange the proposition may appear to persons in this country, I submit that we are bound to entertain such suits. We have formally guaranteed to the people the maintenance of all rights exercised under their religion, laws, and established usages. We cannot shut the doors of our Courts against claims derived from these sources, however extravagant they may appear in our eyes; and we could not, without endangering the public peace, and compromising our duty as rulers, permit our subjects of any creed to resort to personal violence for the purpose of deciding their adverse pretensions. Our tribunals have been established for the common good—our laws have been framed for the protection of the person, and for the preservation of the rights of all our subjects—and we cannot expect to command their allegiance one hour after we shall cease to perform our own duty as sovereigns, and to respect those

solemn obligations which we have contracted with the people of India.

I may further observe that, in a country where there are no "Poor Laws," the religious and charitable endowments bequeathed to us by our predecessors, supply their place to some extent as a provision for the poor; just as our monasteries, and other religious establishments before the Reformation, contributed to the maintenance of the indigent and destitute, and furnished those means of support which are now supplied by contributions from the community at large.

One word on the character of the Hindoo, who has been depicted in the most offensive colors, as debased by an abject superstition—addicted to the most odious vices—profligate—faithless—cruel—and corrupt.

My own recollections would not lead me to recognise this picture. In an immense population very much diversified in many particulars, characters of every description will, no doubt, be found. The intellectual Hindoo is a pure Deist, entertaining the most sublime notions of the attributes of the Deity. The religion of the great mass of the people is superstitious and idolatrous; but, in the common concerns of life, I have found the Hindoo mild and patient—temperate in his habits—generally faithful to his trust—susceptible of the feeling of gratitude—intelligent—and, under certain excitements, capable of heroic action. His vices are mainly to be referred to the corruptions of his religion, and to the baneful influence of the despotic Government to which he

has for ages been subject. The abominations imputed to the priesthood can scarcely have been witnessed by pure eyes; nor ought the report or rumour of such things to be lightly received and credited by sober minds, passing as such rumours must have done through channels very suspicious, if not corrupt.

From these premises, which have been the subject of long reflection, and which have, I trust, been submitted without exaggeration in the calm spirit of truth, I would deduce the following conclusions:

1st. That the British Government is bound by the most formal compact to protect its native subjects, of whatever creed or sect, in the full and free exercise of their religion; and that it cannot *with safety* identify itself with any proceedings which have for their declared object to effect the conversion of the people of India to Christianity.

2nd. That the practice of firing complimentary salutes on particular festivals, which has partially prevailed, as well as the attendance of individuals of one religion on the processions and ceremonials of another, may hereafter be dispensed with; but that the *time* and *manner* of discontinuing these observances must be left to the discretion of the local Government.

3rd. That the collection and appropriation of the Pilgrim-tax to objects of public utility may be committed to the agency of respectable Hindoos, to be nominated from time to time by the local Government; but that it will be still necessary for the Government to reserve to itself a general power of

regulation and *control*, in order to guard against a misapplication of the funds, or other abuse.

Lastly. That the British Government is bound to respect the religious and charitable endowments, which constitute a charge upon the territory, either under treaty, or under the sanction of existing laws; and that they cannot, as sovereigns, divest themselves of the obligation to protect this, in common with every other property, for the benefit of those who have acquired a legal title to it.

If these premises be admitted, it will not be difficult to frame a despatch to India, embodying the principles which it has been my purpose to expound and enforce—and prescribing the manner in which the necessary arrangements for giving effect to them should be carried out by the local Government.

CURSORY NOTES ON THE LEX LOCI QUESTION.

[This paper, written in 1846, though it relates principally to legal and judicial matters, may not inappropriately be brought into the present section, as the leading subject discussed is the vexed question of the propriety of retaining, or abrogating, the Hindoo law of inheritance, with all its bigotry, its persecution, and its injustice.]

It is agreed on all hands that Hindoos and Mahomedans must continue, as at present, to be subject to their own law. In fact, this is guaranteed to them by our regulations, recognised and sanctioned as those regulations are by an Act of the Legislature.

But, then, a question arises whether, if a Hindoo or Mussulman embrace the Christian faith, any forfeiture of hereditary civil rights shall be incurred?

It appears to me that a change of religion ought not to involve penal consequences. A Hindoo, entitled to an inheritance, ought not to forfeit his hereditary rights; but he ought not, on the other hand, to claim new rights under the English law. For example: the daughter of a Hindoo might be entitled only to take a half share with her brothers, in cases where, by our law, she would take a full share. Now, all she can justly claim, I think, is that which the *Hindoo* law would give her.

Nor do I think that the Hindoo parent should be restrained from exercising his right to dispose of his property by will, gift, or otherwise, in those cases which his law recognises and allows, even to the exclusion of his children, whom he may regard as *apostates*.

But there are two other classes to be dealt with:

1st. Foreigners, Armenians, Jews, Chinese, Parsees, and others. The number of these persons is not considerable, and they must, in general, be subject to the *lex loci* (just as foreigners, resorting to France, are subject to the laws of that country), both in civil and criminal cases, except in matters relating to their religion, and their rights of inheritance. I do not apprehend that any difficulty can be experienced in legislating for these parties.

2nd. European British subjects, and their descendants, the "Indo-Britons."

For the protection of these persons, and for the protection of the natives of India *against them*, her Majesty's Courts of Justice were established in 1774

at the three presidencies; and if these Courts had been confined to the original objects for which they were instituted, they would have proved a blessing to the country.

But our territory has been so widely extended, and the number of Europeans and their descendants has been multiplied so greatly, that it would be highly inconvenient to bring down all cases affecting them, both civil and criminal, to the Supreme Courts at the presidency. The expense, and the personal inconvenience to parties and to witnesses, would be intolerable.

Our local regulations (the code of 1793, *et seq.*) provide, to a certain extent, against this inconvenience; and one of the objects contemplated in the institution of the Law Commission, was to obtain a code, or *digest of law*, which should supply existing deficiencies, and be applicable to those cases and objects which our present code could not reach.

A penal code, or digest, has been prepared and submitted by the Law Commission, of the merits of which I am not competent to judge; but I may observe, that it appears to me to bear more the character of a *legal dictionary*, or philosophical treatise on criminal law, with examples in illustration of the definitions, after the manner of Johnson's folio; but whatever be its merits, or defects, it ought to be disposed of in some way, after so much labor and expense have been bestowed upon it, and after it has been for such a length of time under consideration.

Sir Lawrence Peel has tendered his services to

prepare a code, or digest of law, applicable to the wants of India; and it cannot be doubted that, from his talents and professional attainments, the work would be well performed. But it would scarcely be fair to accept his gratuitous services, especially when we have a functionary (the fourth member of Council), whose special duty it is to prepare all acts of the Legislative Council of India.

Should a vacancy occur, it may be well to consider whether the services of Sir L. Peel might not be advantageously employed as a member of the Indian Legislature, with the express view of obtaining, through his means, such a code, or digest of law, as he contemplates.

I will not advert to the controversial discussions which have taken place between Sir T. H. Maddock on the one side, and Messrs. Cameron and Millett on the other; but I may observe, generally, that a code of laws, intended for India, should be as clear and simple as possible, both with reference to the character, habits, and circumstances of the people, and with reference, also, to the *machinery** (the civil service of India) by which those laws are to be administered. Sir L. Peel remarks that the laws relating to real property (the most intricate part of our system) will not be required for India, where houses, &c., are dealt with as chattels. This will relieve us from much difficulty; and I should hope

* Some years ago I suggested that a portion of our civilians, who might manifest an aptitude for the study of law, should be detained in this country for two years, for the purpose of attending our Courts, and of qualifying themselves otherwise for the exercise of judicial functions.—H. St.G. T.

that, without materially departing from the principles recognised in the Regulations of 1793, a useful code might be framed, suitable to the wants and circumstances of the people, without much difficulty.

The Law of Evidence has attained a degree of refinement in this country which we cannot hope to reach in India; but what we want are some plain, intelligible rules, dictated by reason and common sense, and divested, as far as possible, of technicalities.

With respect to European British subjects, it will be contended that they must have trial by jury—their birthright. When monarchs were despotic, judges arbitrary or obsequious, and when an independent and intelligent bar was wanting, trial by jury afforded, no doubt, security to the subject in person and property; but, in the present state of society, I can scarcely fancy any worse tribunal, guided, as it often is, by prejudice, ignorance, and caprice. One bad man in a panel is sufficient to defeat the ends of justice.

Still, if the public feeling be too strong to admit of the application of the *lex loci* to European British subjects in criminal cases, there would seem to be no alternative but to bring them within the jurisdiction of the Supreme Court, at whatever inconvenience; for, even in our largest provincial cities, it would not be practicable to command the services of a British jury.

The Mahomedan Law was recognised and continued by us as the criminal law of the country, be-

cause we found it established by our predecessors; and it was administered for some years by the Naib Nazim (Mahomed Reza Khan), assisted by district Maulavies. It was, however, soon found necessary to modify it. The punishment by mutilation was abolished. Decut (or the price of blood) and Kissaas (the right of retaliation) were superseded; and other alterations were introduced, to render it less repugnant to English feeling.

In its present state, it perhaps answers its purpose, as applicable to the native population, and especially the Mahomedan portion of it; but we cannot submit European British subjects to the Futwah of a Mussulman doctor, who is guided by the opinions of the four commentators on the Koràn, without outraging the national feeling.

It would appear to result that, for the population generally, a local code, founded upon the existing Regulations, will answer every necessary and useful purpose; but that an exception must be made in favor of European British subjects, who claim, and who must be considered to be entitled to, the benefit of their own laws.

They have been made amenable to the Zillah, or District Courts, to a certain limited amount for civil contracts; and this is matter of convenience to all parties. It is also essential that the natives of India should enjoy the right of appealing to her Majesty's Courts, for relief and protection against Europeans for all wrongs (civil or criminal) committed by the latter; but, on the other hand, while admit-

ting our native subjects universally into the Supreme Courts for the redress of all wrongs, as *plaintiffs*, I would not force them in any case, nor allow them to be forced, into those courts as *defendants*, when all parties aggrieved have it in their power to prosecute in the courts to which they are properly amenable under their own laws.

THE PILGRIM-TAX.

[Written in 1832.]

I am generally of opinion that public taxes should be levied for general purposes, without regard to local or particular objects; but I think that exceptions may sometimes be made in the application of this rule; and the tax on pilgrims is one which appears to me to be of a character which should take it out of the ordinary course.

I have always felt that there was something in the tax unworthy of a great Government. The duty levied on the pilgrims resorting to Jugurnath, is not strictly a source of revenue: it is rather a tax of *regulation;* and the whole amount collected has been expended in constructing and keeping in repair the public road, and in other objects connected with the support of the temple.

The duty levied on the pilgrimage to Gyah (an act of filial piety towards deceased parents) constituted a branch of the Sayer; and when the province of Behar was let in farm (in 1780 or 1781), the Sayer duties of Gyah were sub-let to a Mussulman, who is

represented to have been very oppressive and extortionate, and to have discouraged, by his violence and exactions, the resort of pilgrims to that city.

Mr. Thomas Law, who was appointed to the charge of the district on the expiration of the farming settlement, brought the subject of the Sayer, in 1785, under the notice of the Board of Revenue, and proposed various measures for the improvement of the revenue, and for regulating the tax on pilgrims in particular; and on the 10th May of that year, the Government, on the recommendation of the Board, passed a resolution, granting to Mr. Law one moiety of any increase which might be effected in the Sayer, by his exertions, beyond the amount of the existing receipts, which were stated at the time not to exceed the sum of 30,000 rupees per annum.

Under such powerful encouragement, the Collector may be supposed to have made extraordinary exertions to improve the Sayer. The duties, or fees, payable on the performance of the different ceremonials were fixed on a moderate scale. The proceedings of the Gyahwals, or itinerant priests, who collect and conduct the pilgrims to Gyah, were placed under wholesome restraint, all undue exactions were prevented, means were provided for the accommodation of the pilgrims, and for the protection of their persons and property, and, in a short time, they flocked to Gyah in great numbers, especially from the Mahratta territory. Indeed, the Princess Ahilya Bhye, the heroine of Sir John Malcolm's history, was induced to build a splendid temple at

that place, at vast expense. Persons of rank and opulence undertook the pilgrimage from all parts of the Mahratta country; and the Collector's arrangement had at least the effect of raising to a condition of great prosperity one of our most ancient cities, the object of peculiar veneration to our Hindoo subjects.

The revenue drawn from the duties on pilgrims at Gyah amounts at present to about 2,20,000 rupees per annum; and the collections at Allahabad, at the confluence of the Jumna and Ganges, amount to about 80,000 rupees; and these sums are appropriated to public purposes in the same manner as other branches of the revenue.

Now, what I would presume to suggest is—that the surplus collections at the different places of pilgrimage, including Jugurnath (amounting at present to about 4,00,000 rupees per annum), should be placed under the management of a committee or committees of respectable Hindoos, to be selected by the Governor-General in Council—that they should be authorised and required to appropriate the amount at their discretion, in the construction and repair of roads and bridges, in maintaining the Hindoo shrines and temples, in digging tanks, sinking wells, planting avenues of trees, constructing serais, and in other works calculated to promote the comfort of the Hindoo population who pay the tax.

2nd. That our interference in the internal regulations of the temple at Jugurnath be entirely withdrawn; and that its concerns be left to the manage-

ment of the priesthood, our Government strictly confining itself to the duty of protecting the persons and property of the pilgrims, by such regulations of police as may from time to time be found necessary for that purpose.

3rd. That the committee or committees of respectable Hindoos, whose appointment might be made for a limited period, and be revocable at the pleasure of the Governor-General in Council, be required to submit annually to Government an account showing their receipts, and the manner in which the amount shall have been disbursed in promoting the objects contemplated in the arrangement.

It is somewhat remarkable that the Hindoos are by no means desirous that the tax on pilgrims should be abolished; although levied and appropriated by foreigners of a different religion. Lord W. Bentinck mentions the fact, and my own recollections lead me to the same conclusion. This circumstance is surely very creditable to us, for it shows that great moderation has been observed, and that the people are really sensible that our main object has been to protect them in the performance of their ceremonies and observances, without interfering with the rites of their religion. Still, however, it appears to me that they would be highly gratified by our committing the collection of the duties to respectable individuals of the same faith; and by our appropriating the annual receipts to objects and purposes connected with the immediate comfort and well-being of the Hindoo community.

I have another view in proposing that we should relinquish the tax and withdraw from all interference in the management of the temple at Jugurnath. There are many estimable persons in this country who consider such interference as compromising the character of a Christian, and who cannot reconcile themselves to the idea of our drawing a revenue from what they esteem an impure and unhallowed source. We ought, no doubt, as far as possible, to pay deference to religious scruples which are founded on a high conscientious feeling; and, by adopting my proposition, I conceive that every just and reasonable concession will have been made to the feelings of the most scrupulous. I cannot believe that any Christian would wish us to allow our Hindoo subjects to be plundered and tortured, as they are represented to have been at a former period, merely that they may experience the deplorable effects of superstition. The true way to wean men from the practice of superstitious rites, is surely not by exposing them to the evils attending superstitious observances. *They* are *little* acquainted with the Hindoo character who fancy that a Hindoo enthusiast can be terrified, or deterred from his purpose, by any array of physical evil. He voluntarily subjects himself to the most painful penances on the slightest occasions.

But it may be said that the Government will still derive *indirectly* all the benefit of the Pilgrim-tax, inasmuch as the collections will be applied to purposes for which provision must otherwise be made

from some other branch of the revenue. Such will not be the case. My proposition is to appropriate the receipts to objects which *would not* otherwise be provided for. The few public works which we have executed in Bengal have been undertaken generally for the improvement of the public revenue and our commercial interests, or to promote the health, comfort, and convenience of *Europeans*.* *My* wish is to do something for our native subjects, or to allow them to do something for themselves, by appropriating their voluntary contributions in the manner most agreeable to themselves, to objects in which they may take an interest.

I am glad to avail myself of so fair an occasion to record my sentiments on the subject of the tax on pilgrims. I have never been friendly to it as an object of revenue; and I have always considered our interference in the internal economy of the temple at Jugurnath as altogether unsuitable to the character and proper functions of the British Government.†

* This was written in 1832, and must be regarded only in its application to Bengal. Mr. Tucker was of opinion (see a subsequent paper at page 424) that roads were not essential for commercial purposes in Bengal Proper, which enjoys the advantages of river-communication throughout nearly its whole extent.

† It will have been observed that some of the statements and arguments contained in a preceding paper on "Religious Ceremonies and Endowments," are repeated in the above document—but it contains so much besides of a practical character, in connexion with the Pilgrim-tax, that it has been given with little or no abbreviation.

FINANCE.

[If there was one subject upon which, more than upon others, Mr. Tucker spoke with especial authority, it was that of Indian Finance. It would be no exaggeration to say that he was the ablest financier who has ever gone out to India. His early connexion with the East India Company was mainly in the capacity of a finance officer; and such was the estimation in which he was held by Lord Cornwallis and Sir George Barlow, that he was called from the counting-house of the private merchant to resume his place in the civil service of the Company, and as Accountant-General to regulate and re-invigorate the financial condition of the empire, which had been so disordered and debilitated by the Mahratta wars at the commencement of the present century. There are among Mr. Tucker's papers a vast number of very able documents, ranging in date over more than half a century, but so many of them, relating to a bygone state of things, have been necessarily excluded, that it is feared the present selection will afford but a very imperfect picture of Mr. Tucker's merits as a financier.]

EXCHANGE OPERATIONS—HOME REMITTANCES.

[Written in 1848.]

It will be readily admitted that the annual tribute from India, amounting to from 3,700,000*l.* to 4,000,000*l.*, can only be remitted by means of the export trade from that country; in other words, India can only pay her public debt by her produce and manufactures, exported either directly to the mother country, or indirectly through China and other countries having commercial relations with Great Britain.

But the public tribute is not all which India has to pay. The private fortunes which Europeans acquire in that country must also be remitted, sooner or later; and they may be roughly estimated at half a million sterling, on an average of years. India must further pay for her annual imports from Europe and other quarters, which cannot be estimated at less than 3,000,000*l.* or 4,000,000*l.*; so that a remittance, by means of her produce and manufactures, is annually required, to the extent of not less than eight millions sterling.

And what is the present condition of her export trade, which is relied upon to furnish such a remittance? It is notoriously in a state of absolute stagnation. Very few, if any, articles of import from India, during the last year, have yielded a profit, or obtained remunerating prices. Upon the article of sugar a loss has very generally been sustained to the extent of at least 25 per cent.; and the derangement produced by the fall of the principal houses engaged in the trade, both in this country and at Calcutta, has been such as to produce, apparently, a temporary suspension of the commerce with India.

And it is under these circumstances that the Court expect to realise funds by lowering the exchange of their bills on India. For what purpose are these bills likely to be required?

1st. They may be taken to remit back funds already realised in this country; but as it is well known that the bills drawn on the consignments of

last year could not generally be paid, there can be little, if any, surplus to remit back.

2nd. Our bills may be called for to purchase in India and China the produce and manufactures of those countries in the ensuing year. I believe that funds will be required in China for the purchase of tea, which we must have; but our bills for that purpose have heretofore been taken at a much higher exchange, and have been applied to settle the account between the importers of opium and the exporters of tea with great advantage.

3rd. Our bills may be taken, as a commercial speculation, at the present low exchange, in the expectation that the proceeds may be remitted back from India at a profit. This certainly was done in 1845, on the reduction of the exchange to 1s. 9d.; but circumstances are widely different at the present moment.

There is not at present the slightest ground for assuming that capital will be remitted to India on such a speculation, when it can be so advantageously employed on the spot; and when, after the recent failures, there is so much reason to apprehend that it could not be brought back in safety, or without loss. And I may observe further, that, even if there were disposable capital in this city, likely to be embarked in such a speculation, that capital, when remitted back from India (which sooner or later it will be), must come into competition with us as remitters, whether by bills on hypothecation, or by

consignments of bullion, or otherwise. This fact seems to have been altogether overlooked by the Court. The sale of a bill in the present year in London may interfere with the purchase of a bill next year in Calcutta; so that the difficulty is only postponed. Those who purchased our bills in 1845, were remitters in competition with us in 1846—a fact which has come under my personal observation.

When a statesman encounters a difficulty, he naturally applies himself to trace the cause, and to discover the best means of removing it.

Our difficulty in the present case arises from the circumstance that a remittance to India is not wanted —that there is nothing to remit; and this difficulty, I apprehend, is not likely to be overcome by tampering with the exchange. But I am told "we must follow the market." If it be meant that we must be governed by the operations of a few bill-brokers and money-dealers, I demur to the dictum. A great and influential body ought to *lead* rather than to *follow* the market—by which I understand, generally, the adjustment of the supply to the demand, both in exchange and in other financial operations. Had we acted upon this dictum in India, our Government at the present day might have been paying an interest of 10* or 12 per cent. per annum, for

* We raised a loan in 1798-99 at 10 per cent. per annum, *irredeemable for ten years!* In March, 1801, our 12 per cent. treasury notes bore a discount of 3½ and 4 per cent., although payable in the August following. In a very short space the interest on those notes was reduced to 6 per cent. and a fraction per annum, and circulated at par at that rate, but not, certainly, "by following the market."—H. St.G. T.

such I have known them to pay—they might have been purchasing silver with gold, by paying a high premium, for such also I have known to have been done* during a series of years; and they might have been purchasing bills, or Hoondies, for commercial advances, and for the payment of the troops in the interior, by paying a Hoondean, or difference of exchange of 2 or 2½ per cent.; whereas our internal remittances are now effected without loss, and generally with an advantage, either in the exchange, or in the saving of time.

I need scarcely urge that frequent alterations in our rates of exchange are, as far as possible, to be avoided; since they produce uncertainty in the operations of the merchant, and they indicate a want of foresight, or an infirmity of purpose on our part. I must, moreover, remind the Court that, in lowering the exchange from 1s. 10d. to 1s. 9d., we virtually impose upon India an addition to her annual tribute of about 200,000*l.*; and we also, indirectly, cause a reduction in the fortunes of our servants and others, which are realised ultimately in this country, in probably the same proportion.

The theory of exchanges is fully discussed, and, I think, developed, in the financial despatch from Bengal, bearing date the 23rd August, 1809 (paragraphs 57 to 121); and, after an experience of nearly half a century, I adhere to the principles laid

* See Sir John Shore's very elaborate minute on this subject, recorded on the Bengal proceedings of the 3rd October, 1796.

down in that despatch, and have acted upon them in my public capacity.

I may be asked, no doubt (and I have been asked), in what manner I would propose to supply our home treasury, if not by reducing our exchange? But, without insisting that he who points out a wrong course, or would avoid an impracticable road, is not necessarily bound to find an easy path, I am prepared to state that I have for some time past been anxiously engaged in examining this question, and I have done all in my power to arrive at a satisfactory solution of it; but, if the present distressed state of the trade with India should unhappily continue, I unhesitatingly say that there is no remedy for the evil.

I certainly would not recommend an extension of our remittances in bullion; for our first remittance has already occasioned some uneasiness in Calcutta; and, as I have elsewhere observed, "a remittance in specie, or bullion, cannot be resorted to with advantage, except for the purpose of adjusting a balance on the commercial and political debts and credits of two or more countries; and I can state, from my own experience, that any large abstraction of the precious metals from India is likely to occasion great public inconvenience. That country possesses no mines of those metals—the importations have much diminished of late, as our Mint records and other accounts tend to show—there is an exportation to the countries beyond the Jumna, in payment for salt and other articles—no inconsiderable amount

is absorbed in the manufacture of plate, trinkets, &c., by the natives—and our metallic currency is little assisted by a paper currency, which cannot enter largely into the very minute transactions of the native population, and which is liable to expose them, from their ignorance, to frauds and impositions. Under these circumstances, I can state confidently that we cannot often have recourse to a remittance in specie, or bullion, from India, without the risk of financial derangement. The wealthy natives, under any alarm, are very apt to withhold specie from circulation, and its abstraction is liable to affect public credit, and to prevent the Government from raising the funds that may, from time to time, be required for the public service at a moderate rate of interest."

Should the trade from India fortunately revive, we may look forward to extend our remittances in the ensuing season of 1848-49, by means of our advances on hypothecation; and I consider this not only a legitimate source of supply, but I must maintain that the operation is highly useful and beneficial to the Indian producer and manufacturer; and that it is calculated to take him out of the hands of those whose agency has not always been found to be safe, or to afford the necessary facilities in carrying on the export trade from India. To borrow from the fund set apart under the last Charter Act for the ultimate redemption of our stock, can never, I think, be desirable, or even justifiable; for it would tend to affect the value of that

stock; and it would in reality be to trench upon what I am disposed to regard as a trust-fund, which should be held inviolate.

Nor can it be prudent, during a time of general peace, to continue to borrow, either in this country or in India; although, under particular circumstances, it may, no doubt, be found sometimes necessary to extend the issue of our bonds, in order to provide *temporarily* for the exigencies of the service.

There are two important objects which should engross our earnest attention.

The primary one is, to realise a surplus revenue in India sufficient to meet the home expenditure and the other demands of the service; and this object has not yet been accomplished, although much has been done to effect a reduction in the military and other charges of our Indian Governments.

The other, and more immediate object is, to promote, as far as possible, the means of effecting the remittance of that surplus to England; and this can only be done by encouraging and extending the agriculture, the manufactures, and the external commerce of the country. It is well known that no inconsiderable portion of our annual remittance is effected through China; the consignments of opium from Calcutta and Bombay furnishing a fund for the purchase of tea, a very important article, as applicable to the purpose of remittance to this country. The late fall in the price of our opium, which must seriously affect our revenue, may also circumscribe,

eventually, this source of supply. A remittance to a small amount was also obtained, heretofore, through the Mauritius:—rice and other supplies sent from Bengal, for the consumption of that island, being ultimately paid for by bills on England; but here, too, the impoverished state of the colony may tend to curtail this indirect remittance.

I have no satisfaction in referring to these unpropitious circumstances; but it is not the part of wisdom to keep facts out of sight, and we cannot hope to remedy an evil until we have ascertained its cause. There are two Committees of the House of Commons employed at present in inquiring into the state of our colonial and Indian trade—particularly in the articles of sugar and cotton—and I am willing to anticipate much good from their labors.

Much has been done by the Court to improve and extend the cultivation of cotton in our Indian territory; and this national object will, I trust, sooner or later be accomplished; but we have not yet been able to compete successfully with the United States in the production of the article. Still, I look to it ultimately not only as a valuable source of supply to our manufactures, but as a fruitful source of remittance from India to this country.

But sugar, in my opinion, is the most promising article to which we can look forward; and if the wisdom of the Legislature should extend to us and to the British colonies suitable encouragement and protection, I would confidently predict that our difficulties with regard to remittances would soon be at

an end. In 1846 the quantity of sugar imported from India was 1,432,274 cwt.; and the gross value, at 33s. 2¾d., was stated at 2,379,664*l.* sterling; and if this price had been maintained, or if a differential duty in our favor, as against foreign produce, had been continued, there cannot exist a doubt that the importations from India would largely and rapidly have increased, to the great benefit of our agricultural population, and with great advantage to our financial interests. I have given my evidence before one of the Committees under this impression; and I have ventured to add that the manufactures of this country are directly interested in promoting the export trade from India; for if Great Britain will not take our sugars and other produce, India cannot purchase her cottons, woollens, and metals.

I am aware that I am touching upon tender ground; and I may be thought to oppose myself somewhat officiously to a popular theory; but as the doctrine which has found favor with the British public within the last two years has not yet obtained the sanction of experience, I may be permitted to retain my own opinions. The time has, I think, arrived, when our existence as an independent body may depend upon the successful administration of our finances.

The simple truth is, that we cannot expect to replenish our home treasury by successive reductions in the exchange; and if England shall declare to India that she cannot extend encouragement and protection to her commerce, she must be prepared

to learn that India can no longer continue to pay her accustomed tribute; nor longer continue to purchase and consume the manufactures of the mother country.

INDIAN BANKS AND PAPER CURRENCY.

[In the following paper, written in 1836, Mr. Tucker refers to a project entertained, about that time, for the foundation of a gigantic Banking establishment, under the immediate patronage of the Company, whereby all the financial operations of Government might be carried on through the medium of an extended paper currency. Mr. Tucker was of opinion that this extension of the paper currency would be fraught with the most mischievous results, and that any closer connexion between Government and a Banking establishment, than that already existing in the case of the Bank of Bengal, in the foundation of which he himself had aided, would greatly embarrass the administration and evolve a host of practical evils. He earnestly, therefore, resisted the project, and it was not entertained by the Court.]

. . . . It is not only the high privilege of sovereignty to supply the current coin, and to stamp its value, but it is one of the most imperative duties and obligations of a Government, in every country, to supply, or cause to be supplied, a safe and convenient medium of exchange, suitable to the wants and condition of the particular community, and to the general purposes of commerce.

I am willing to admit, at the same time, that banking establishments, formed upon sound and safe principles, may be rendered useful in every commercial country; and that if such establishments would have the effect of permanently adding to, and promoting the growth of, productive capital in India, they would answer a beneficial purpose. But the question which the Court have to deal with at pre-

sent, is practically, whether we ought to aid and co-operate in the establishment of the particular plan which has been submitted to us.

As far as I can judge from the prospectus, the plan before us contemplates the following objects—viz.:

1st. The supercession of the Government treasuries or general treasury at the presidency.

2nd. The employment of the Bank to facilitate the realisation of the public revenue.

3rd. As a consequence, the circulation of the Bank paper throughout the country.

4th. The supercession, or incorporation of the Bank of Bengal, and the consequent establishment of a monopoly, or an exclusive privilege, for the supply of a paper currency in India.

5th. The intervention of the new Bank as a general instrument for effecting remittances to England, direct and through China: that is, the Bank propose, I presume, to advance to the indigo, silk, and other manufacturers, sums to be repaid by bills on their consignments to England, and these bills (or counter-bills drawn by the Bank) would be sold to the Government at a profit. In the same manner, the Bank would advance on consignments of cotton and opium to China, purchasing with the amount at Canton bills to be drawn on consignments of tea, &c., to this country.

Now, it appears to me that it would be very unsafe to concur in, or to countenance any of, these projects. We have managed, and can continue to

manage such operations perfectly well ourselves; and I can perceive no reason whatever for setting up another and a very powerful party to take our place; and for conferring on it privileges which may enable it to compel us, as remitters, to become its customers for bills on its own terms.

The monopoly granted to the Bank of England as a national establishment has always been much questioned; but the new Bank evidently contemplates a monopoly much more comprehensive; and such an establishment would possess in India a much greater power over the circulation and the money market, than is enjoyed by the Bank of England.

If it were not premature to enter into details in this stage of the question, it could easily be shown that the Government of India possess great facilities for managing the operations which the new Bank proposes to undertake; and that we have gained considerably, and, under proper management may expect still to gain, upon our exchange transactions. A large portion of the land-revenue was heretofore actually realised in the treasury of Calcutta before the collections were made in the interior; and upon our remittances to Bombay and to England through China a profit has generally been realised. . . . .

As a general proposition, I am disposed to maintain that a metallic currency cannot be dispensed with in India—that a paper currency is unsuitable to the minute pecuniary transactions of the natives —and that from their ignorance they are peculiarly

exposed to fraud and impositions by means of forgery and otherwise. This must always operate as an objection to the *general* substitution of paper for specie; but so far from objecting to the former as an *auxiliary*, I myself proposed, and was instrumental in establishing and conducting the Bank of Bengal; and I am satisfied that it has answered a very useful purpose. If there be any defect in its constitution, I am disposed to think that the influence of the Government over its operations was *too limited* rather than too direct and extensive.

As India possesses no mines, and is in consequence dependent upon other countries for a supply of the precious metals, and as it incurs annually a large political debt which must be remitted to England —any derangement of currency by over-issues of paper, by the encouragement of over-trading, or by other acts of mal-administration on the part of a Bank, might produce the most serious consequences. Prices would be liable to be affected materially—the confidence of the natives in our monetary system might be destroyed or shaken—and all the financial operations of the Government might be impeded and deranged. I cannot, therefore, regard a project embracing such an extensive field of speculation without a feeling of distrust; and I cannot consent to supersede an existing establishment—which, if not sufficiently large, can easily be extended—without much stronger grounds than have yet been adduced to justify its annihilation, or its enforced incorporation with the new institution.

In Europe, the great bullion markets, I may observe, are within reach, and can be resorted to upon any emergency when supplies may be required: the ebb and flow of the precious metals can be calculated with some degree of certainty, from the knowledge which the Bank of England and our great capitalists possess with respect to the commercial transactions and money relations existing between different countries. But in India the sources from which we obtain our bullion are more remote: it is usually brought from America and China and the Eastern Archipelago; the supply is uncertain—we are liable to a perpetual drain* for the discharge of a political debt; and the consequence has been that a scarcity of the precious metals is from time to time experienced in that country, and to an extent which has been productive of public inconvenience;—nor can I perceive that the establishment of the proposed Bank will have any tendency to produce a more regular and abundant supply of the precious metals; while it is perfectly clear that the more general substitution of a paper currency for specie must have the effect of aggravating the evils of a scarcity, if, from whatever cause, a large and sudden demand for the precious metals should arise for the discharge of a foreign debt.

And, let me ask, what guarantee have we for the stability and for the successful management of the

* The country could not long bear this drain if the people were not great *producers* and small *consumers*. The great mass, from their simple habits, require little from without; and have fortunately much to give to their foreign rulers, who claim as *landlords* the entire rent of this vast territory.—H. St.G. T.

proposed Bank? The gentlemen who have brought forward the plan are of the very highest respectability; but what assurance have we that they will continue co-partners in the concern for a single year? and how is it possible for them, or for other parties, to superintend and regulate the operations of a Bank at a distance of twelve thousand miles? I may be told that a very large capital will be subscribed. True—but it is the very essence of banking to issue notes, or to contract other obligations, to an amount far beyond its capital, or the Bank could have no profits. And have we not seen the largest and apparently the most prosperous establishments suddenly swept away, scarce leaving a wreck behind, and in the fall annihilating a capital of many millions? The fact is, that in India the high rate of interest on private security has heretofore operated, and may still operate, as a great temptation to individuals to lend their money upon commercial adventures. The borrower, in order to pay this high interest, is tempted to engage in precarious speculations, and hence an unsound state of trade, which renders it necessary that the utmost caution should be observed in forming and conducting any Banking establishment in that country.

I shall be glad to see British capital flow to India; but I would leave the parties to act upon their own judgment and good discretion; and I would not encourage the public to embark their funds in commercial or other projects, connected with a quarter so remote, by holding out that the Company's Govern-

ment are parties to the undertaking. And it appears to me that we ought at once to apprise the highly respectable individuals who have addressed us, that we can give no countenance to their project, in so far as it assumes that the proposed Bank will be employed as the financial organ of the Government, or as the exclusive channel of its remittances to England; or that its paper currency will be received in payments, and be circulated generally throughout the public treasuries of India.* It will be necessary, at all events, I apprehend, to do one of two things—either to abstain altogether from taking any part

* It would be easy to show the practical inconvenience likely to result from receiving the notes of the Bank in payment at the provincial treasuries. Suppose, for example, that the Government require specie at Agra for the payment of the troops, and that the private merchants require it in the same quarter, to make advances for indigo, cotton, sugar, &c. The latter would send up bank notes; and, by an easy arrangement with the Zemindars, exchange them for the specie which the latter would otherwise pay into the public treasury. But bank notes not answering for the pay of the troops, the Government must bring them down to Calcutta to be cashed, and then send up the specie to the station where it may be wanted, at considerable expense and inconvenience. The bank note is thus converted into a bill of exchange, at or near par, while a real difference of two or three per cent., or more, may exist in the exchange between the two places. The same sort of process was at one period carried on in Bengal, when gold and silver were received indifferently. The gold would not answer for paying the troops, or for small advances to the weavers, molungees, and others; and being, in consequence, less convenient, it bore what we call a batta. Individuals had accordingly a motive for paying it into the public treasury rather than silver. The Government were then compelled to purchase silver from the shroffs, or bankers, who again exchanged the gold with the Zemindars and others having payments to make into the public treasuries; nor was this difficult, for the Zemindars were usually in their debt, and were accustomed to pay in their revenue through the shroffs who made them advances. In this, to us, vicious circle, we proceeded for some time, the Government being exposed to a heavy charge for batta, or discount, on every revolution. The batta rose during the administration of Sir John Shore as high as 6¼ per cent. (See his minute of the 29th of September, 1796.) Circumstances have since changed; and gold bore lately a high *premium* in Bengal.—H. St.G. T.

in the execution of the plan which has been announced, leaving the parties to take their own course, without any assurance of co-operation from us; or to take that decided part which may lead to the establishment of the proposed Bank, and the regulation of its future operations under the immediate control of the Government.

There would seem to be a feeling that the operations of the Government for effecting our remittances from India direct and through China are calculated to interfere with and to prejudice the general commerce of the country; but this is a gratuitous assumption, which the Court, I trust, are not prepared to admit. Our advances upon consignments of indigo, silk, tea, and other commodities, have proved, and, I doubt not, will continue to prove, a very great accommodation to the manufacturers and exporters, and may not only render them more independent of the private capitalists, but these advances may, on particular occasions, be highly essential in enabling the parties to carry on their trade. We do not compel them or wish them to resort to us, if they can obtain better terms in any other quarter; and so with respect to our drawing upon India and China from this country, our bills may be an accommodation to the remitter, but they cannot be forced upon him. We do not tamper with or attempt to regulate the exchanges; we follow the exchanges which the money concerns of the two countries establish, and avail ourselves of any state of things which may favor our own objects.

We are remitters from India to the extent of above three millions annually, and we must effect that remittance in the best manner we can; nor would it be prudent or safe for the Government to place itself in a state of dependence upon any Bank, or any body of men whatever, in the course of effecting the great national object of bringing home the annual tribute from India with the greatest convenience and advantage to the two countries. So far from abandoning our present plan of remittance, I have a firm conviction that, if the Court of Directors had adopted the arrangements proposed to them by the Supreme Government in their financial despatch of the 23rd August, 1809, for constituting the Company the great organ of remittance to and from India and China, Europe and America, a financial object of vast magnitude and importance would have been accomplished, the capital of our servants and others would not have been forced into private channels, and much of the mischief which has resulted from hazardous speculations and consequent failures might probably have been avoided.

I cannot venture to predict what may be the immediate or the more remote effects of that disposition to engage in banking concerns upon a large scale, which is so prevalent in this country and in the United States of America at the present moment. Men experienced and sagacious contemplate these undertakings evidently with some uneasiness; and it is quite certain that the unrestrained extension of a paper currency may produce effects, whether for good

or for evil, upon the property of the country, and upon the general interests of the community and the Government, in the last degree important. A prudent Government will carefully watch such undertakings, and will not hastily lend its countenance to them. This cautious reserve is highly necessary in every country; but I know not any country where the general introduction of a paper currency, in substitution for the precious metals, ought to be viewed with more circumspection, if not distrust, than it should be, I think, in British India.

The projectors of the scheme may not, perhaps, have extended their views beyond the institution of a substantial Bank; and may not be fully aware of the inherent capacity or aptitude for expansion which their projected establishment would possess; but if the Bank be invested with the functions and privileges which the prospectus points at, I must maintain that, under skilful management, it would soon acquire a paramount influence, calculated to give it the absolute command of the money market of India, and to place the Government itself in a state of abject dependence. I repeat, then, that we should either decline at once, fairly and candidly, to give our sanction to the establishment of this powerful machine on the footing aimed at; or we must, as a Government, interpose directly and peremptorily to regulate and circumscribe its functions and movements.

BANKS.

[This paper may be regarded as a sequel to the foregoing. It was written in 1838, and was called forth by the proposal to establish a Bank in Bombay similar to the "Bank of Bengal." It is valuable not only for the opinions it contains, but for the historical references to the financial operations of the Indian Government at the commencement of the present century, and to the circumstances under which, in no small measure through the instrumentality of Mr. Tucker, the Bank of Bengal was established. Some of the apprehensions entertained by Mr. Tucker relative to the evils likely to arise from a multiplication of Banks, have been unfortunately realised.]

. . . This is not an insulated question, having reference merely to the establishment of a single Bank at Bombay. If we grant the charter which has been applied for, we must be prepared for many applications of the same kind, which we cannot decline without exposing ourselves to the imputation of partiality and inconsistency. A Bank has already been set on foot in the Western Provinces, two Banks have been established or projected in the Lower Provinces of Bengal, and it is probable that an establishment of the same kind will be attempted in the opulent and populous city of Benares, and in other places, where the projectors may allege the same grounds, and where they will be actuated by the same motives which have influenced the parties who now apply for a chartered Bank at Bombay. The community at Madras may also prefer a similar application, especially if they should find that the shares in the Bombay Bank bear a high premium, which I am persuaded they will do at an early period.

The question, therefore, is one of great magnitude, since we are called upon, in this first stage of it, to pronounce whether we are prepared to sanction the establishment of numerous Banks, and to encourage the substitution of a paper for a metallic currency in British India.

Now, there is no proposition upon which I have less doubt than that a paper currency is not *generally* suited to the condition of the great body of the people of India; and that its substitution for a metallic currency, far from being desirable, would be liable to the most weighty objections.

I am quite aware that such a substitution cannot be effected without the aid and instrumentality of the Government and its officers. If we determine that bank notes shall not be received at the public treasuries, their circulation must necessarily be very confined, and will be altogether *conventional*. Exclude them from this great artery, and they will be used only by those who find them *useful;* and to this, their proper office, I have not the slightest objection. We cannot, moreover, prevent the establishment of *private* Banks in India; nor should I propose to interfere with such establishments; but we can refuse to give circulation to their paper; and this, in my opinion, we are bound to do, both from a regard to our own security, and for the purpose of protecting our native subjects and others, who will naturally place confidence in any currency which may appear to have obtained the countenance and support of the Government. It is also unquestion-

able that private Banks may afford sufficient security to the public, if the subscribed capital be paid up, and the partners be held liable in their private fortunes; but this is not the kind of establishment aimed at by the parties at Bombay, and the Court's despatch sanctions the formation of a *public* Bank, in which the East India Company will be principal sharers, and for which the Company will be responsible to the public, to the full extent of the obligations contracted by the Bank.

The Court have manifestly proceeded, on the present occasion, on the precedent furnished by the Bank of Bengal, and my prepossessions may naturally be supposed to be in favor of an establishment which was my own work; but I am bound to examine carefully how far the circumstances which gave occasion to that undertaking exist at the present period, and whether that which was necessary and useful forty years ago, is required, or is likely to be useful, under existing circumstances.

Now, it is quite certain that the circumstances of the two periods are *widely* and *essentially* different; and it may, therefore, be neither prudent nor safe to create new Banks at the present moment, merely because one Bank was found to be useful under a different state of things.

In 1801 public and commercial credit can scarcely be said to have had an existence in India. There was a large capital, it is true, in the hands of the native bankers of Benares, Moorshedabad, Calcutta,

and some other places; but there was a total want of *confidence* both in the Government and in the commercial community; and this capital, when partially brought forward, was employed in the operations of exchange, in trafficking in the different coins, and in advances to the landholders and others at an *enormous rate of interest.*

About the period to which I allude, the gold coin was sometimes at a discount of six per cent., and the Government were obliged to purchase silver from time to time, in order to supply a suitable currency for the pay of the troops, and for making advances to the *molungees*, manufacturers, and others in the interior.

In their remittances to particular districts in which funds were required for these purposes, a difference of exchange was almost invariably paid by the Government to the *shroffs*, or native bankers, from whom *hoondees*, or bills, were obtained.

So late as the month of March, 1801, the treasury notes of the Government, bearing an interest of 12 per cent. per annum, and payable in the ensuing month of August, were sold in Calcutta at a discount of from 3 to 4 per cent., thus yielding an interest on *Government security* of 18 or 20 per cent. per annum.

I felt very strongly that this was a state of things which, if allowed to continue, must end in a total derangement of the public finances; and I accordingly proposed the establishment of the Bank of

Bengal as *one* means of remedying or alleviating the existing evil. Nor was I disappointed; for we succeeded by this and other means in restoring order in our finances, at a much earlier period than I had ventured to anticipate.

Confidence was gradually established—the capital of the native bankers and others was brought forward in competition with that which was supplied by the Bank—and what is termed "public credit" began to appear in India.

The batta, or discount on gold, ceased at an early period; and it was only matter of surprise that it should so long have been permitted to exist.

The exchanges were regulated on such plain and simple principles, that the intervention of the shroffs was dispensed with; and the Government remittances in general realised a profit, instead of being attended with a charge.

The rates of interest were reduced from time to time, until they have approached very nearly to the standard of those countries in which public credit has been most firmly established. The public debt and the operations of commerce have in consequence been relieved from a heavy charge; and although the Bank of Bengal did not effectuate these beneficial changes, I admit, and I have the utmost satisfaction in reflecting, that it *assisted* in giving the first impulse to public credit, and in facilitating the great operations of commerce.

But here, as in other cases, the good was not quite free from an attendant evil. The spirit of

commercial speculation characterises the present age; and its sphere of action is manifestly enlarged by the instrumentality of Banks. In this country and in America the mischief occasioned by the extension of a paper currency has been, of late years, most calamitous; and in Bengal we have witnessed the same disastrous effects from the prosecution of commercial operations on a large scale without capital to support them. The destructive failures which have taken place in Calcutta cannot fairly be charged to the Bank of Bengal; but every Bank has a tendency to promote commercial speculation; and although highly useful in furnishing accommodation for carrying on a safe and legitimate trade, it is not possible at all times for a Bank to prevent the application of its funds to objects of a different character.

The question under consideration is not, however, whether there were originally good grounds for establishing the Bank of Bengal, or whether the good or the evil incidental to its establishment has preponderated. I am the last person to deny that there were good and sufficient grounds at the time; and I rejoice to think that the Bank has performed a useful office.

But we are now called upon to pronounce whether, *under the circumstances of the present time*, there are sufficient grounds for chartering public Banks at Bombay, Madras, and other places; and here let me observe that some of the most respectable commercial houses at Bombay are decidedly and publicly opposed to the institution of a Bank at that

presidency, on the ground that it is not required, and that, by encouraging a speculative trade, it must tend to derange the sound and wholesome commerce of the country.

To the extension of a paper currency in India I have already stated my objections; and these objections, of course, apply to the establishment of a chartered Bank at Bombay or elsewhere. Far from thinking it desirable to promote the circulation of bank notes in the interior, I am of opinion that the Bank of Bengal ought to be placed under greater restrictions—that its notes should be returned from the general treasury to be cashed whenever they may accumulate beyond a very moderate sum—and that their receipt at the Mofussil or Provincial treasuries should for the *future be prohibited altogether*. They are not, I repeat, required by the great body of the people, who have been accustomed to a metallic currency—they cannot enter into the minute transactions of the lower orders: they may, through the ignorance and helplessness of the natives, be forced (as the gold* was heretofore) into channels for which they are not at all suited—they will expose the holders to frauds from forgery—and they may, by the connivance of our officers, be allowed to accumulate in the public treasuries to an amount which may occasion inconvenience, and eventually a heavy loss to the Government. Our orders of 12th March, 1834, restrict the accumulation of bank notes in the treasury to 50 lacs; but

* This is not mere supposition—I had evidence of the fact.—H. St.G. T.

these orders have not been strictly obeyed, for I find, on reference to the latest treasury account received from Calcutta (that for January, 1838), that we had in the general treasury alone, bank notes to the amount of 62,25,000 rupees, out of a balance of 95,00,000 rupees; and, although I have no means of ascertaining the amount of notes in the Mofussil or Provincial treasuries, there cannot be a doubt that it is considerable, and that a large proportion of the Bank issues usually remains dormant in the Government treasuries.

The funds of the East India Company, which these notes represent, are consequently employed by the Bank, to a certain extent, upon commercial accommodations; and although the capital may be safe, and we may have no reason to apprehend commercial liabilities, it is clearly from the *usufruct of our money* that the Bank is enabled to supply such large dividends to the proprietors. If these notes were sent into the Bank to be cashed, what would be its situation? From the latest accounts which I have seen, the cash reserve fluctuated between 25 and 30 lacs of rupees; and although, upon the principle of banking, the circulation ought greatly to exceed the reserve of specie, still it appears to me that the Banks depend mainly upon their notes being absorbed in the public treasuries.

Then, let me ask, what would be the situation of the Government if it became necessary to make remittances in bullion to England, or to the other presidencies, or to send forth military armaments re-

quiring large supplies of specie? Bank notes would not answer for these purposes; and if any large portion of the 62 lacs were called for, in what situation, I repeat, would the Bank be placed? The truth is, that the Bank has been allowed to lean too much upon the public treasury, and that its circulation would be confined within very moderate limits, if the indulgence which it experiences were confined within more prudent limits. I think it right to advert particularly to this circumstance, as the Bank which is to be chartered at Bombay will, no doubt, expect to receive similar accommodation at that presidency.

In my minute of the 18th June, 1836,* I have explained that the notes of the bank, if received at the provincial treasuries, can be used as *bills of exchange*, to the great detriment of the Government; and although I was naturally desirous to promote the success of the Bank, it appeared to me always necessary, while I was employed in the administration of our finances, to guard against their application to such a purpose.

It is not difficult to understand that the projectors of the Bank at Bombay may have very sufficient motives for forming such an establishment. It will create offices and patronage—the shares subscribed for may be disposed of at a profit, or they may yield a high rate of interest on the capital—and the Bank will be able to afford accommodations for carrying on trade to those who are without capital; but these, although fair objects of pursuit to the indivi-

* See preceding paper, *ante*, p. 391.

dual, are not objects which a Government is called upon to promote by direct co-operation, or by the grant of exclusive privileges. I see no reason to believe that a public Bank is required at Bombay for any national purpose, or for the support of that safe and well-regulated commerce which alone a Government ought to countenance and encourage.

And in what manner, I would ask, is the capital of the new Bank likely to be raised in the first instance, and subsequently to be employed?

Our servants, civil and military, will, I presume, be the chief contributors; and their capital will be employed in making advances upon indigo, cotton, silk, sugar, salt, opium, and other articles of trade, and possibly upon the security of factories, ships, machinery, and other stock, used in the operations of trade.

But was not this precisely the way in which the houses of agency heretofore employed the funds of our servants and others? Unquestionably it was. The new Banks will, in my opinion, occupy, in a great measure, their place—will perform the same intermediate office—and be liable, sooner or later, to the same risks. If such be the case, we are bound to protect, as far as we can, our servants and the community at large from the contingencies incidental to undertakings which may prosper for a time, but which, if mismanaged, may in the end fail altogether. The intervention of Government will, no doubt, operate as a guarantee to the public; but against such intervention, as subjecting the East

India Company *unnecessarily* and *improvidently* to *commercial liabilities*, I *formally protest*. If individuals allow themselves to be led away by the temptation of large dividends, they must be content to undertake the concomitant risk.

From these premises I deduce that a chartered Bank is not required at Bombay—that there is great danger to be apprehended from the undue extension of a paper currency in India, to the exclusion of its metallic currency; and, finally, that the Court of Directors cannot be too cautious in withholding their countenance from projects however specious, whose object or tendency may be to uphold an artificial state of credit, and to foster a spurious trade, alike hazardous to the parties engaged in it, and injurious to the public.

THE COPPER CURRENCY OF INDIA.

[Written in 1836.]

The despatch to the Government of India regarding the copper coin, contains many just remarks, proceeding, as I think, generally upon correct views and sound principles, which are calculated to set the Government right on different points where they have fallen into error. But I am not satisfied that their present orders reach the root of the evil, especially with relation to Bombay.

That evil consists, primarily, in an over-valuation of the copper coin; and, next, in an over-supply of that coin.

The Bengal Government, with the concurrence of

the Court, erected some years ago a very costly Mint at Calcutta, with most expensive apparatus and machinery; and this was done at a time when the importation of the precious metals had greatly decreased; and when, consequently, there was, comparatively, little work to be performed by such a Mint.

Concurrently, or nearly so, with the erection of this expensive Mint, the price of copper experienced a considerable fall in Calcutta; and the Mint having little work to execute, and a great temptation presenting itself to realise a large profit on copper, as a means of defraying the very burdensome charge of the establishment, a coinage was undertaken on a scale greatly disproportioned to the wants of the community, and the coin was urged into circulation by measures highly injudicious and objectionable.

When the price of copper was from 65 to 70 rupees per maund, which was the case at a period not very remote, there was a fair and just proportion between the current value and the metallic value of the Bengal pysa, weighing troy grains 100; and no difficulty could occur in maintaining its circulation to the full extent of the wants of the community.

But when copper fell to 35 or 40 rupees per maund, this proportion was destroyed: the Government actually realised a profit, or seignorage, exceeding 100 per cent.; and coins from other quarters (and especially those which individuals were permitted most unadvisedly to fabricate at the Mint at

Saugor) flowed in; and not only maintained a competition with the established coin, but produced great derangement and confusion by the multiplication of the currency.

It is, certainly, possible to maintain a copper currency at a very high valuation, if the manufacture be so perfect as to render it difficult and expensive to counterfeit the coin; and, indeed, a high valuation ought to be taken to cover the ordinary fluctuations in the price of the metal; but still it must be difficult always to give an artificial value of above 100 per cent. to a currency; and this cannot be done unless all competition be effectually excluded.

But what do the Government of India now propose to do? and how am I to understand the following passage in the Court's letter?—"*Secondly*, That it was expedient immediately to issue a copper coinage adapted to the changes which had taken place in the silver. On the latter point, we agree in your latest decision. It was certainly desirable that the copper currency, at the earliest possible period, be adjusted in conformity with the coin which was in future to be both the medium of circulation and the standard of account."

If I correctly apprehend the intentions of the Government, and the import of this passage, it is proposed to reduce the standard of the copper coin to the extent of $6\frac{1}{2}$ per cent., in order to accommodate it to the reduced standard of the silver currency.

This may be done in one of two ways—either by

reducing the weight of the *pysa* from 100 grains troy to 93¾ grains—or by reducing the number of *pyce* representing the rupee from 64 to 60.

If the former alternative be adopted, the present copper coin must be called in, at an enormous expense, and at very great inconvenience; and we shall otherwise aggravate the existing evil. We cannot continue to circulate two descriptions of *pysa*, varying only 6½ per cent. in metallic value, without producing great confusion and embarrassment, nor without exposing the lower classes of the people to exactions on the part of the shroffs, or money-changers. Nothing can be more favorable to the operations of these persons than the multiplication of the current coins; for it rests with them to produce fluctuations, even if fluctuations did not necessarily occur in such cases; and on every exchange the weaker or necessitous party will invariably be the sufferer.

But the expense of calling in the copper coin, as shown by the Mint Committee, would be enormous; and would far exceed the value of 6½ grains of copper to be taken from the *pysa* of 100 grains. Copper cannot easily be melted; and if the fusion be not conducted with the utmost care and attention, the metal becomes brittle. It cannot, moreover, be laminated without great difficulty, in consequence of the hardness of the metal; and, on every account, the resort to a new coinage of copper ought, in my opinion, to be avoided. It cannot be an object with any Government to make so great a

change, and to subject the community (the lower classes in particular) to vexatious exactions for so trifling a consideration. Why not allow 64 *pyce* to represent the new rupee, as well as the old sicca, which will soon disappear from circulation; the baser currency being found almost invariably to drive out that of superior value.

If it be intended to reduce the number of *pyce* from 64 to 60, to represent the *new* currency, another source of derangement will arise. We shall have two rupees in circulation, exchangeable for different quantities of copper; and the new rupee will be considered as representing 15 annas, instead of 16. The people will be extremely embarrassed in all their little money transactions by this new division of the silver coin, which cannot fail, I think, to expose them to imposition. The natives of India are not only familiar with the present division of the rupee into 16 annas of 4 pyce each, but it is practically convenient, the subdivision of 16 into halves, &c., running in integer numbers down to the unit. Why, then, should we introduce a change? Such changes are inconvenient in *all* countries; but in India they are particularly objectionable, inasmuch as they run counter to the feelings of a people remarkably attached to old habits and established usages.

I would add a few remarks upon another matter of detail. It has been usual of late years to coin a third of a pysa of 33⅓ grains, in order to have something to represent the English pysa of account, or

twelfth of the anna; but the natives do not divide the anna into twelve parts in their accounts, nor is the division into thirds so convenient as that into halves, and the half pysa of 50 grains appears to me as small a copper coin as can conveniently be fabricated and circulated.

The present pysa is usually, I believe, cut from the sheet or sheathing copper, which is of a convenient thickness for the purpose; but if we coin below the half pysa of 50 grains, the copper must, I apprehend, be laminated, or beaten out, at some trouble and expense.

Nor can we, after all, dispense with the use of cowries or shells. How is a native, receiving only 2 annas per diem in the country, or 4 annas in the principal cities (and these, I believe, are high wages)—how, I ask, is he to purchase vegetables, fruit, and other trifling articles for the subsistence of his family? how is he to pay for crossing a ferry, or such trifling services, in any copper coin? Where wages and subsistence are upon so low a scale, even copper may be found too costly as a general medium of exchange. In the district of Sylhet, cowries constituted the general circulation; and the revenues of Government were paid in these shells.

I will here repeat, that it appears to me highly inexpedient, and quite unnecessary, to reduce the weight of the copper coin $6\frac{1}{2}$ per cent., in order to accommodate it to the new silver currency. The little difficulty which may be experienced while the two rupees circulate together, will be temporary

only; and it is only one of the many inconveniences long since foreseen and foretold, which must result from the late reduction of the silver standard. Its tendency to derange the established relations between the silver and copper currency, is matter of very inferior consideration when compared with the more serious evil which must be felt by the landholders, and their numerous under-tenants and others, from the derangement of existing contracts. Indeed, by allowing 6400 grains of copper to represent only 165 grains of fine silver, instead of 175·923 grains, as at present, we shall so far reduce the disproportionate valuation of the copper coin.

The Court's orders that this coin should not be a legal tender of payment beyond half a rupee, are so far judicious, that the limitation will tend to check a forced circulation; but then we must be prepared always with a sufficient supply of small silver; and as the expense of coining half and quarter rupees is as great as that of coining the rupee, while the ratio of charge is double and quadruple, there will not be a disposition, I apprehend, on the part of our officers, to furnish a liberal supply of the smaller pieces.

With respect to the proceedings at Bombay, I can only observe that they appear to me to have been both impolitic and arbitrary in the extreme. The pre-existing copper currency seems to have satisfied the wants of the people; and as its metallic value considerably exceeds the intrinsic value of the new coin, it was impracticable to force the latter into

circulation, without calling in the former. They could not circulate together; and unquestionably the old coin ought to have been withdrawn by receiving it weight for weight (for a certain time at least) in exchange for the new currency, or at a fair valuation. The Government which does not act upon this plain principle, and which is not strictly just in its dealings with the public, must not be surprised at the state of confusion which has taken place at Bombay, to the great injury of the native population in the districts under that presidency.

REVENUE AND EXPENDITURE.

[From Notes, Financial, Political, &c., drawn up in October, 1841.]

FINANCE ACCOUNTS, &c.—Accounts may be regarded as the machinery of finance; and this machinery is either very defective, or very much out of order at present in India. Our "General Books," as they are called, are about three years in arrear; and it is impossible to exercise an efficient control over our finances while those documents are wanting. I know, from experience, that the books ending the 30th April can be closed in the December following, and be transmitted to England in the course of February. Nay, if I recollect right, I once had the general books closed so early as the month of August, and forwarded to England before the end of the year. It does not follow that the multiplication of accounts necessarily causes delay, although this has been urged as an excuse for the

present arrear; because, as in mechanics, it is only necessary to increase the *power*. But, in point of fact, our commercial accounts were those most difficult of adjustment, and they have now been superseded, leaving our books the record of mere cash transactions, as they ought to be. The military accounts, I believe, usually produce the delay; and I have long been of opinion that they might be advantageously reformed. The estimates and books of the military Auditor-General are most cumbrous, and I would say, worse than useless; for it is in the power of that officer to bring forward, or retard, his audits, and thus to shape the actual charge so as to correspond with his estimate, which generally is not brought forward until the end of the year, when the actual disbursement has been nearly ascertained. The simple remedy for this inconvenience would be, to exhibit the *disbursement* as the *actual charge*, which *it is* in a series of years, leaving the adjustments upon audit to be subsequently effected.

As a means, however, of bringing up the existing arrear, I am disposed to think that it would be very desirable to send out from this House two or three of our experienced accountants, who in the course of twelve months would, I think, be able to bring up the books outstanding. It is not very easy to command the services of good European book-keepers in India; and, although the natives are excellent accountants, they require in this, as in other cases, the moving power of the European.

DEFICIT.—The deficit on the account of the Indian

revenue and charge, including the home charge, may be estimated at present at one million and a half, or two millions sterling; and while our relations with Afghanistan, Scinde, the Punjab, and China continue in their present unsettled state, it is quite certain that this deficit cannot be extinguished, nor be materially reduced. Her Majesty's Government have undertaken, it is true, to defray the charge of the military operations against China; but they will of necessity involve the Indian Government in many expenses which can scarcely be estimated, and which cannot well be debited to the account of the Chinese war, from the difficulty of discriminating and tracing them to their particular source. Such, for instance, as the higher rate of interest incurred on the public debt—the expense of our steamers—and of the irregular corps maintained to supply the place of regiments employed on the Chinese expedition, &c.

It may be supposed that our Indian establishments are susceptible of great reduction; but I am quite satisfied that any reductions which could prudently and safely be effected, would scarcely make a sensible impression on a deficit of two millions. I have myself been a member of two finance committees in India; and, although we worked diligently to reform the public establishments, the reductions effected were absolutely insignificant.

The judicial establishments cannot be materially reduced, without withholding from the people that which they have a right to expect—*justice*.

The revenue establishments cannot be reduced in

any great degree without endangering the revenue itself; and generally, I should say, that any material reduction of the civil allowances would have a tendency to re-introduce corruption, or to convert our high functionaries into the condition of scrubs, to the great scandal of the service. Lord W. Bentinck made great changes with a view to economy, but effected little, if any, improvement. We have since resorted to a cheaper agency by the employment of uncovenanted Europeans and Indo-Britons (or half-castes), and by the more general use of native agency; but I doubt whether the public business has been so well executed, and whether corruption has been so effectually guarded against. Native agency is most efficient and useful under vigilant European supervision; but while the tenure of office is with them precarious (as it is at present), we cannot possibly expect that they will resist temptation, and display generally that scrupulous integrity, upon which the success of our judicial and revenue administration so much depends.

Far from contemplating a diminution in the number of our European functionaries, the local Governments are perpetually calling for further reinforcements (civil, military, marine, and ecclesiastical), and the Court have lately been induced to make various additions to the public establishments, without, as I was disposed to think, any very urgent necessity.

Lord W. Bentinck did, it is true, propose a most sweeping reduction of our military establishment (to

the extent of one-third in one arm, and one-fifth in another branch of the military service); but he would have rendered the army absolutely inefficient, and probably discontented and mutinous. Sir Charles Metcalfe took a much more statesmanlike view of the question;* and Lord William's propositions did not meet with the slightest countenance in this country.

I may advert in this place to a practice which has obtained within the last twenty-five or thirty years, and which occasions unnecessary expense, although this is not the only, nor perhaps the greatest, objection to what I consider to involve a great abuse of patronage.

Acting Appointments.†—It has become a very common practice to give our civil servants *acting* appointments, with the benefit of deputation allowances; and it will be found that a large proportion of our officers are employed at stations to which they do not properly belong. We had lately an instance where *five* different moves were made, when one was not perhaps required. B. was appointed to act for A.; C. for B.; D. for C.; and E. for D.; when by the appointment of A.'s assistant, a very competent officer, the whole move might have been prevented.

The Court of Directors have strongly denounced this abuse, which goes far to render the civil service inefficient; for our officers have not time to become

* See minute of Lord W. Bentinck, and propositions from Ootacamund.

† Or Yek-tung, one-legged system, as it is nicknamed.

acquainted either with the people or their own Umlah; and our native officers, seeing the frequent changes of masters, are disposed to regard their own situations as precarious, and to make the most of their temporary tenure. I could cite the case of an individual who has been employed at four different stations in the course of about two years; and he himself had the candor to acknowledge that, in consequence of this rapid transition, his services could not have been of any real utility at either of those stations.*

* This is one of the gravest defects in the working of the present system of civil administration. It results from the circumstance of certain fixed salaries being attached to certain appointments, so that a civil servant, entitled to promotion, must be removed to some new office before he can draw higher allowances from the Company's treasury. There are some practical difficulties in the way of the application of a sufficient remedy—but the evil itself is so great that the remedy ought to be applied, in spite of the inconvenience it may involve.

MISCELLANEOUS.

ROADS IN BENGAL.

[Written in 1832.]

I AM generally of opinion that roads are not absolutely essential in *Bengal Proper* for *commercial* purposes, as that fine province enjoys the advantage of river navigation throughout nearly its whole extent; and as the annual inundation which takes place in a large portion of it would render the construction and preservation of good roads matter of great difficulty, and would be attended with an expense disproportionate to the advantages likely to be derived from them. We ought, no doubt, to look rather to the improvement of the river and canal navigation, as the best means of facilitating the transport of commodities in that province.

But I cannot admit that good roads are not essential, even in *Bengal Proper*, with a view to *political* and *military* objects; and in the *Western* Provinces they are moreover highly necessary as a means of promoting the operations of *Commerce*.

For example: the road from Kalpee to Cawnpore across the Doab is used for the conveyance of a

large portion of the raw cotton which comes to the Calcutta market for exportation to China and this country; and the road from Agra to Furruckabad, which intersects the Doab in the same manner, is not only used for the transportation of cotton and other bulky articles, but it is the principal route by which the western salt is conveyed from the Jumna for the supply of our provinces west of Behar, as well as the whole territory of Oude.

The cross-road from Patna to Sherghatty, through Gyah, is also highly useful; both as it connects one of our largest cities and the military cantonment of Dinapore with the high road to Benares, but as it facilitates the communication between North Behar and the whole country south of the Ganges.

No person can for a moment doubt that it would be extremely useful and desirable to have good roads to connect the line of our principal military stations, from Fort William to our western frontier, if we possessed the means of defraying the expense. Nor can any person doubt the expediency of connecting, by means of a good road, the city of Delhi with the presidency, with a view to political considerations. A tolerable road, still bearing the inappropriate designation of the "new road," was constructed about fifty years ago, from Calcutta to Benares, by the late Captain Charles Ranken; and it was kept in repair for twenty-five or twenty-six years by his two brothers in succession, under a sort of contract, at an annual expense, I think, of 16,000 rupees, or 20,000, as estimated by Lord William Bentinck.

This road was extended from Benares to Allahabad not many years ago; but I have learnt with concern, from the Governor-General's and Mr. Blunt's minutes, that the repairs have of late been very much neglected.

The road during a part of its course traverses a hilly and desolate country; and it is not, in consequence, so much frequented as it otherwise would be; but although a better line might, perhaps, have been chosen, it is impossible to deny that this road has been productive of great convenience and advantage. Indeed, one means of civilising the rude race of men who inhabit the hills and jungles of Rhamghur, and who have lately been in a state of insurrection, must be sought in those facilities which would bring them into nearer communication with the cultivated parts of the country. It is true that, in a rude state of society, roads must, in general, follow the track of cultivation; but in its more advanced stages, roads produce cultivation, and in every stage they promote agriculture and commerce in a greater or less degree.

I have the utmost reliance on the prudence and judgment of Sir Charles Metcalfe and Mr. Blunt; and no two individuals in the service have, perhaps, traversed the country more frequently; but these experienced officers, as well as the Court, appear to me to underrate the advantages of good roads, just as much as the Governor-General has (it may be suspected) overrated them. The argument, too, which has been drawn from particular failures, is

not at all conclusive. We may have made roads at a vast and disproportionate expense; but such mistakes only prove that we have proceeded in ignorance, and that we have thrown away money which might have been applied to similar objects with better success.

The opulent natives are well disposed to aid in the construction of roads, tanks, wells, serais, and other works of public utility; and we ought to encourage this disposition, even where it originates in personal vanity. Rajah Sookhmoy, of Calcutta, contributed 1,50,000 rupees towards the construction of the road to Jugernath: and Rajah Mittergeet Singh, of Tikàri, one of the most intelligent of our Zemindars, undertook to make a substantial road through his flourishing domain soon after he began to reap the fruits of the Permanent Settlement. We owe the work to this much calumniated settlement; as we do many other benefits which are now overlooked and undervalued by us.

Our Government cannot assess the Zemindars and Talookdars for the purpose of defraying the expense of keeping up the public roads, as proposed by Lord William Bentinck, because this would be an infraction of the Permanent Settlement, the landholders not having made themselves liable by their engagements to execute such works, except in the single instance of Shahabad; but it is a great reproach to the Rajah of Burdwan that, with his princely income, he should not have maintained good roads throughout his extensive Zemindarry; and if

the Governor-General had intimated to him that this was a *duty*, although not a *legal obligation*, I do not think that his lordship would have overstepped the bounds of propriety.

Several of our magistrates have succeeded in making very good roads within their respective districts; but this has resulted from the particular disposition of the individual. The late Mr. John Eliot was eminently successful, and was among the few who have contrived to turn the labor of the convicts to good account by a vigorous discipline; but we have never proceeded in the prosecution of this object upon any systematic plan, and it is unquestionably matter of serious reproach to us that, with an annual revenue of twenty millions, and with the power of commanding European skill, science, and machinery, we have not yet succeeded in getting our mails conveyed at a greater speed than four miles per hour, although it is a well-known fact that the native bankers have their expresses conveyed with much greater expedition.*

One of my motives for recording my opinions, in the present instance, is to impress upon the Court of Directors the expediency of our discouraging the Governor-General in the prosecution of some regular plan for accelerating internal communication. We may disburse enormous sums in building "iron tugs" and "accommodation boats;" but although

* See letter from the Commissioners in the Ceded and Conquered Provinces, of the 30th November, 1807, proposing a plan for the more expeditious conveyance of the public mails.—H. St.G. T. [The transit of the mails has been greatly accelerated since this was written.]

such costly vessels may minister to the convenience of the great, they will not, in my opinion, contribute one atom towards the comfort of the people of India, nor relieve, in any degree, those useful animals, the elephant, the camel, the horse, and the bullock, whose painful labors are now prosecuted through sloughs and heavy sands, under circumstances which prevent their carrying the same burden, or travelling with the same speed, as would otherwise be practicable.

Good roads economise both time and labor: a circumstance which has been illustrated in a very extraordinary manner by railways now in general use in this country. Mr. Trotter observes, that the natives of India are perfectly well aware of the advantage of carriage roads, the slightest experience being sufficient to show that two bullocks will *draw* a much greater weight than they can *carry;* and that the same animals will draw, on a good road, a much greater weight than they can draw on a bad one, with much less wear and tear, or waste of the animal powers. We have done little or nothing in India to effect this economy of time and labor (*time* always in commerce representing *value*); and nothing but the want of pecuniary resources can excuse our apparent indifference towards an object which is equally recommended to us by considerations of duty and policy. It is scarcely an exaggeration to maintain that good roads would bring the great divisions of our army into nearer contact, and render that army (which at the present moment, at particular stations,

can with difficulty supply a single battalion for extra service) much more disposable and efficient. These are the considerations which evidently engross the attention of the Governor-General.

THE EDUCATION OF THE CIVIL SERVICE.

[The following observations, extracted from a paper on Haileybury education, written in 1843, may be read with peculiar advantage at the present time, when it is proposed to throw open to competition all the civil and scientific appointments in the Company's service. Mr. Tucker was of opinion, as many very able men are of opinion in the present day, that little is gained to the service, in respect of its administrative effectiveness, by raising the scale of scholastic acquirement, and over-educating the candidate for office. He did not think that the vigor of the man was to be secured by sapping the vital energies of the stripling. Nor can it appear to any one, who considers the practicalities of the matter, that the forcing process, which under the proposed competition system is sure to be brought destructively into use, can really produce the most vigorous plants.]

Our excellent and accomplished professors at Haileybury wish to send forth men, like themselves, eminent and highly-finished scholars; but this is not what we want. We do not require *literary razors* to cut blocks. Our service presents a vast deal of rough hard work, for which *intellectual hatchets* are more suitable. We want young men of sound principles and good understanding and moral habits, with minds fresh and pure, and with frames healthful and strong to sustain the laborious duties of the service. Mark the attenuated frames of some of our first-rate scholars, and say if they are fit to undergo the fatigues and annoyances of a suffocating *cutcherry* for eight or ten hours successively. This was no uncommon occurrence with our judicial functionaries. Before the College was thought of, the civil service

of India produced men of vigorous intellect, and of a masculine character, fully equal in every attribute of statesmen to those who have succeeded. Not that I undervalue education; on the contrary, I appreciate it most highly; although it may happen, now and then, that the usefulness of the scholar is neutralised by the pride of the pedant. I must repeat, that we do not require for our service deep theologians, profound lawyers, erudite physicians or metaphysicians, or subtle political economists. The men most distinguished in our service have gone out to India before the age of eighteen; and when they felt a deficiency, some of them have educated themselves. I am not, however, at all disposed to depreciate the value of our College—far from it; I have myself too often had occasion to regret that I did not enjoy the advantage of a College education. Let us not, however, be led away by visionary speculations so far as to sacrifice a substantial good, or to incur a contingent evil, by giving an undue preference to scholastic learning. If our first soldiers and civilians had possessed the learning of the first James, India, I suspect, would never have been conquered by us; or, if conquered, would not long have been retained by the force of erudition. In fact, what we most want in India are men of good understanding, of moral character, and of industrious habits. There are some situations, no doubt, where talents and attainments of a high order are eminently useful; but, in general, the *substance*, and not the *polish*, is that to which we should most look.

If I were satisfied that the judicial branch of the service could be completely separated, I should be disposed to make an exception in favor of a more extended course of education for that branch, because a more particular knowledge of the principles of law, of the rules of evidence, and of the practice of our Courts, as well as a knowledge of our local code of regulations, might be highly useful to our judicial functionaries; but this service is so blended with the revenue branch (especially in the Ryotwar provinces), that a complete separation could not, I fear, be effected without inconvenience.

It will be seen from the foregoing remarks that I am not an advocate for forcing up the standard of qualification; but whatever may be the statutes and regulations of the College, they should be promptly and peremptorily enforced with a firm hand; and in every case where, from idleness and dissipation, or from refractory, immoral, and ungentlemanly conduct, a fair presumption shall arise that the individual is not likely to become a respectable and useful member of the service, he should at once be summarily rejected. This we owe to the people of India; and a regard for our own reputation and our own interests would also dictate the expediency of excluding from situations of high trust all unworthy objects. Lord Fitzgerald justly observes that "there are still to be found individuals whom it should be the object of a discreet but rigid discipline to correct, or to remove. It is to be regretted that in this respect the system appears to fail, and that it affords

no adequate test for the exclusion of the incompetent or ill-disposed." This is quite true.

The new statutes still prescribe the study of *three* of the Oriental languages to the Bengal student. This I consider to be unreasonable and unnecessary. It is impossible to make any useful progress in the study of three of those languages, in addition to the Latin and Greek, to mathematics, theology, law, history, and geography, political economy, and English composition. The student is confounded by the multiplicity of the subjects presented to him, and he can only acquire a superficial knowledge of any branch if he endeavour to embrace the whole; and in this vain attempt our most promising youths, whom a sense of duty and a laudable ambition may prompt to the unnatural effort, are liable to break down and ruin their constitutions.

I would then dispense with the Persian language, for, although it is the *French* of India, it is still a foreign language, and the use of it has been very generally discontinued in Bengal, in favor of the vernacular dialects. If it be objected that we must continue the study of it here, while our students are examined in it abroad, the reply is simple—discontinue the study of it prospectively at both places at the same time.

On one point we are, I believe, all agreed—that if the College is to be continued, every means should be adopted to render it efficient for its ends and objects, and that the exertions of those learned and eminent

men who are charged with its administration should receive our cordial and uniform support and co-operation.

SLAVERY IN INDIA.*

I cannot perceive the advantage of legislating in this country for the abolition of slavery in India; for if it be necessary or expedient to make so great a change in the state of society in that country, it can be done most safely by the local Legislature. Domestic slavery exists in Bengal; but the slave, or bondman, is in reality a *servant*, who sometimes occupies a station of trust, and even of influence. Abyssinian slaves have at different times been introduced in small numbers in Arab ships, and they are much prized by the more opulent Mahomedans; but the existence of slavery may be traced chiefly to those famines with which India has unhappily been visited. The parent, during these seasons of distress, is willing to part with his child for food, to prolong the existence of both; and the child becomes domesticated in the family of the purchaser. The natives are not severe masters; but although we see little of what passes in their household, and although cases of mal-treatment of the slave have, in the course of my own experience, been judicially

* These remarks form part of a paper reviewing the clauses of the last Charter-Act, one of which related to the abolition of slavery. Many of Mr. Tucker's objections, however, were removed by the manner in which the provisions of the Act were carried into effect. The slave was not "forcibly manumitted;" but by conferring on him the same civil rights as other men, and giving him equal protection, in all the Company's Courts, we gave him the means of emancipating himself.

established, I consider it an act of justice to the people to express my belief that such instances are rare, and that when they do occur, they are not likely to obtain impunity under our existing laws. Predial slavery exists on the Malabar coast, and in some other parts of the country with which I am not sufficiently acquainted to be enabled to pronounce upon its effects. But we must not forget that slavery is expressly recognised and regulated by the Mahomedan law;* that it has been long tolerated by our own Government; and that it has existed in India from time immemorial.

Considering, then, that we have by the most formal enactments guaranteed to our native subjects their laws, usages, properties, and rights, we surely ought to pause before we proceed peremptorily to supersede a state of things which the people may regard as part of the compact subsisting between them and their rulers. If it be intended only to allow the slave to claim manumission whenever maltreatment can be established, the natives would, I think, submit to such an enactment;† for they will have little reason to apprehend that the slave will

* See Hamilton's "Hedaya." The various questions relating to slavery are treated at great length in that work. Slavery is also recognised by the Hindoo law. Menu says, ch. viii., sec. 415: "There are servants of seven sorts; one made captive under a standard, or in battle; one maintained in consideration of service; one born of a female slave in the house; one sold, or given, or inherited from ancestors; and one enslaved by way of punishment on his inability to pay a large fine."—H. St.G. T.

† Even an enactment to this effect must, however, be framed with great caution and delicacy. An Afghan would proceed to the most desperate extremities if an attempt were made to violate his Zenànà by releasing a female slave. Are we prepared, moreover, forcibly to emancipate the slaves of our *Soubahdars*, and *other native officers*, and without an indemnification?—H. St.G. T.

often avail himself of the means of obtaining his freedom. If, on the other hand, slavery is to be denounced, and authoritatively put an end to, a great change will be produced in the state of society, the feelings of the people will be highly excited, and our Government will be considered to act in a very unjust and arbitrary manner. Who, let me ask, is to be charged with the care and maintenance of the infant slave; or of those who are old and infirm, and incapable of work? And in other cases, where the services of the slave are of value, is it proposed to grant a *pecuniary indemnification* to the master? If not—on what principle do we proceed in forcibly depriving a Mahomedan of that which he has acquired and held under the sanction of his law and his religion? It cannot be urged, I imagine, that the slave in India enjoys no civil rights, or that he is excluded from the protection of the law, or that his condition, physical or moral, is worse than that of our infant manufacturers or our paupers, upon whom neither the loom nor the land can bestow more than a bare subsistence. If it were wise to legislate upon theoretical evils, it is still unsafe to frame laws in this country for the people of India, without knowing how far they will harmonise with the feelings, habits, and usages of those for whose benefit they are intended, and whose hostility may render them inoperative. If slavery, as existing in India, be attended with real evil either to the individual or to the community, it will be quite competent to the local Legislature to apply the appropriate remedy; but I strongly deprecate

the idea of any premature declaration by Parliament requiring its peremptory abolition. Such an enactment may be very grateful to the feelings of the philanthropist, and may produce a momentary popularity; but let us not legislate in ignorance; and let us have some regard for the feelings and the interests of the people who are expected to obey our laws.

CIVIL AND POLITICAL EMPLOYMENT.*

1st. Offices *purely civil* should be occupied exclusively by the civil servants, who are specially educated and prepared for their duties.

2nd. If it be found advisable to employ military officers in the Thuggee department, or other similar selections (in the Saugor and Nerbudda territory, &c.), their duty should be confined to *apprehending* and *committing;* but the accused should be tried by the civil magistrate.

3rd. The political offices (foreign residencies, &c.) should be open, as heretofore, to both branches of the service. At present there are only, I believe, two civilians and one medical man employed in this department. In what manner are we to obtain political knowledge in the Governments of India, if our civil servants be excluded from this department?

4th. The duties to be performed by some of our residents (at Prince of Wales' Island, in the Tenasserim province, &c.) are not political, but adminis-

* Written in 1844. See preceding paper on the same subject at page 63. The importance of the subject, at the present time, seems to justify this addition.

trative, and require experience in the civil department of the service.

5th. The restriction imposed by the Legislature in regard to the extent of allowances to be drawn by the civil servants of a particular standing, or residence, should be applied equally to the military.

6th. The oaths of office required to be imposed on civil servants appointed to judicial, revenue, and other offices of trust, should be equally imposed on the military holding such situations, if they are to be so employed.

7th. Military officers aspiring to be employed in the civil department of the service, should be required to pass an examination in two of the native languages, and otherwise to give the same evidence of qualification as may be required from the civil servants. This supposes their appointment to situations of a mixed character, as in the instance of the Tenasserim residency, &c. The duties of the assistants in the Saugor and Nerbudda territory appear to me to be "*purely civil.*" The resident, Colonel Sleeman, alone, I believe, is invested with a political charge.

8th. The number of military to be detached from their regiments should be peremptorily restricted, and the limitation be strictly enforced. The military service is otherwise made quite a secondary object.

9th. No military officer should be eligible to a political situation until he shall have *served with his regiment* for a given number of years (say six), sufficient to make him familiar with his regimental and other professional duties. This would operate as

some check against the abuse of patronage, and furnish some presumption in favor of qualification. Instances might be cited where very young officers have been employed in political and civil situations before they can have had any opportunity of acquiring the necessary experience.

. . . . The foregoing suggestions, if adopted, would go far, I trust, to place matters on a more satisfactory footing. I have not referred to Scinde, because we are officially uninformed with respect to the course of administration in that country, which seems to have been assumed by the Crown; but enough is known to satisfy me that the affairs of the province are not likely to be successfully conducted until it be placed under regular *civil* and *responsible* government.

THE SUPERCESSION OF LORD HEYTESBURY—POWER OF RECALL.

[This paper was called forth by the revocation of Lord Heytesbury's appointment to the Governor-Generalship of India, on the accession of the Whig Ministry in 1835. Mr. Tucker protested vigorously against this stretch of authority, and pointed out the evils resulting from such exercise of party influence.]

The long experience, the acknowledged talents, and the peculiar qualifications of Sir Charles Metcalfe, are a guarantee that his temporary or permanent charge of the important office of Governor-General, might be most advantageously confided to that distinguished servant of the Company; but the great interests of the Indian Empire, especially at the present period, require that it should not be left without a settled and permanent Government. The

present incomplete measure of a Provisional Government has been occasioned by the exercise of a power which is believed to have been created for a purpose wholly at variance with that to which, under the advice of his Majesty's Ministers, it has lately been applied, viz., in revoking the appointment of a Governor-General—an appointment which had been made at the express desire of his Majesty's Ministers, who, in the month of October last, informed the Court of Directors "that to leave India under a provisional appointment would be to apply such a nomination to a purpose for which it was not contemplated."* And yet, without any altered circumstances, they *now*† consider that India may be left to such provisional appointment.

The circumstances which gave rise to the power of recall, or of vacating appointments under the Company, was first vested in the Crown in the year 1784;‡ and afford ample proof that such power was

* Letter from Right Hon. C. Grant, President of the India Board, 1st October, 1834.

† Letter from Sir J. Hobhouse, President, &c., 4th May, 1835.

‡ The power of recall, &c. (Act 24 Geo. III., cap. 25, sec. 22), originated in the course pursued by the Court of Proprietors in opposition to the resolution of the House of Commons (votes 28th May, 1782), as well as to that of the Court of Directors, for the removal of Mr. Hastings from the office of Governor-General (20th Nov., 1782); and those proceedings having, at the King's command, been laid before Parliament, the necessity of altering the constitution of the Company, in reference to the case of Mr. Hastings, was accordingly insisted upon, when the India Bills were brought forward in 1783 by Mr. Dundas and Mr. Fox; when it was observed that if the Directors intended to "punish" ("Hansard's Debates," House of Commons, 18th Nov., 1783), they were obliged to apply first for his Majesty's sanction to the despatch, which, after it had been approved, was liable to revocation by the Proprietors. A clause, conferring the power of recall upon the King was accordingly introduced into the Bill, upon which the Act of 1784 was founded; but that power being confined to the Crown, the Court of Directors remarked, "That the power of recalling every officer appointed by the Court,

intended as a provision against misrule, and that it was never in the contemplation of those who framed it that it should be exercised in this country, unless in the case of actual delinquency. This view is confirmed by the case of Sir George Barlow, whose appointment as Governor-General was vacated* by the Crown, in 1806. In order, however, to avoid for the future the invidious character which attached to such a proceeding, a resolution was moved by the Minister in the House of Commons, on the discussion of the Charter in 1813, by which the appointments of Governor were to be subject to *approval* under the sign manual. On that occasion his lordship observed, "Whether or no the power of recall was originally designed to apply to cases of misbehaviour only, it was an *invidious way of* exercising the power of *disapproving* of appointments." — *Viscount Castlereagh's speech.* "Hansard's Debates," 22nd March, 1813. The power of recall consequently became unnecessary, excepting in cases of misconduct or delinquency.

When the appointment of Sir George Barlow, who was then in India, was vacated by the Crown, the Minister of the day with the President of the Board,

is, in their opinion, essential to the existence of their authority over their servants abroad, and that it ought not to be taken away. They have no objection to the same power being vested in the Crown, respecting the Presidents and Members of Council at each Presidency." — Court's Minutes, 15th July, 1784. The clause was accordingly altered, in conformity with the suggestion of the Court.—H. St.G. T.

* The power of *vacating* being also given, to prevent the necessity of the party coming away from India. Sir George Barlow being a Company's servant, a *recall* would have brought him home. Hence both modes were to be exercised *in India* and not in this country.—H. St.G. T.

in addition to an unreserved correspondence, held full communication with the Chairman and Deputy-Chairman, who, at one of the conferences, were also accompanied by the Directors who had passed the Chair: and when the subject of what had passed at such conferences, together with the correspondence, was communicated to the Court, a motion was made by a member of the Court of Directors to revoke Sir George Barlow's commission. That motion passed in the negative; nevertheless, an interval of seven weeks from that date took place, during which a further unreserved expression of the sentiments entertained by his Majesty's Ministers and by the Court of Directors were interchanged,* before the Crown was advised by the Ministers to exercise its power of vacating the appointment. The course which has been now adopted presents a singular contrast to that course of proceeding. Lord Heytesbury was appointed by the Court on the 28th January—the approval of the Crown was given on the 5th February—his lordship was sworn in on the 4th March—and at the close of the month of April his preparations for embarkation were complete; but at the first interview which the Chairs had with the President of the India Board, after that right honourable gentleman had assumed office on the 30th of that month, they were informed, under the injunction of *strict* confidence, that his Majesty's Ministers intended to recommend the revocation of

* *Vide* Proceedings of Court of Directors, 1806; Secret Court, 8th April; and Court, 20th May, 1806.

Lord Heytesbury's appointment; and the Chairs were not released from this injunction of confidence (which, indeed, was repeated at the instance of the President through one of the Board's Secretaries) until the Cabinet had resolved upon the measure, which was accordingly first officially announced in the President's letter to the Chairs of the 4th instant. Not one reason, however, was given for setting aside in so abrupt and unprecedented a manner the appointment of a nobleman who was selected for the office of Governor-General,* solely upon public grounds, and free from all party bias or political feeling.

The nominations which more particularly bear upon the present question are those of Earl Minto and Lord William C. Bentinck. Lord Minto was appointed under Lord Grenville's administration, in July, 1806; he did not sail from England until February, 1807, and in the following month of March, Mr. Percival's administration came into office; but no change was made in the appointment of Lord Minto. Lord William Bentinck was nominated Governor-General by the Court of Directors during Mr. Canning's administration, in July, 1827; he did not sail until the February following; and, although the Ministry was twice changed subsequent to his lordship's appointment, and although he did not sail until a month after the accession of the Duke of Wellington as Premier, his nomination remained undisturbed.

* *Vide* Court's Minutes, 6th May, 1835.

The appointment of Lord Heytesbury was in every point complete; it had been made as the President of the Board suggested it should be made, "with the full confidence both of the Company and the King." * Scarcely three months had intervened between his lordship's appointment and his being ready to embark for India; while, in the instances of Lord Minto and Lord William Bentinck, six months had elapsed from the time of appointment to the period of sailing.

The foregoing facts necessarily lead to the conclusion that the change in his Majesty's Councils occasioned the revocation of Lord Heytesbury's appointment. It is an act which virtually invests the Board of Commissioners for the affairs of India with a character of political *influence*, whilst it ought only to possess that of political *control*.

It must be admitted that the party proceeding to fill the office of Governor-General should possess the confidence of his Majesty's Government; but do not long and acknowledged public services in the highest diplomatic stations at the various Courts of Europe—soundness of judgment—firmness of purpose—and a character irreproachable both in public and private—give the best claims to that confidence? If the expression, "confidence of his Majesty's Government," be intended to imply a concurrence of sentiments on public questions with the Minister of the day, what security is there for any permanence in the Indian Councils? or, to use the words of Mr.

* Letter from the President of the Board, 11th October, 1834.

Fox, "if the dispenser of the plan of governing India have not a greater stability in his situation than a British Ministry,"* what hope is there of the affairs being administered with advantage to the interests either of India or of this country!

For all political objects which require confidence or secrecy, the Secret Political Committee, prescribed by Parliament, is the constituted channel of communication; but if the Minister of the Crown is to carry on a confidential communication with the Governor-General of India, by which measures of Government are to be framed or guided, it is a principle which cannot be too strongly deprecated. It is also unconstitutional, and experience has shown it to be inconvenient; moreover, the most dangerous effects may result to the characters of functionaries abroad, from such confidential correspondence.

The great redeeming quality in the anomalous character of the India system, is its being one of record, and consequently one of check, and it cannot be one of too much publicity.

In the course of the discussions on the Company's affairs in Parliament in 1813, it was remarked that the system under which India had reposed for a succession of years, had not been formed upon narrow, selfish, and temporary principles, but upon principles comprehending the whole variety of reciprocal duties, and the whole train of interests remote and immediate. Amongst the latter was the care with which Parliament had disposed of the patronage. It

* "Hansard's Debates," 1st December, 1783; Mr. Fox on his India Bill

was observed by the present Lord Glenelg, that "to have placed it mediately or immediately in the hands of Government, would be fatal to the Constitution is universally agreed*—no part of it should fall under the command of Government." Will it not, then, be utterly hopeless to expect that the patronage of India will be preserved from ministerial influence, if the highest post in that country is made subservient to political power at home? If the principle but once obtains, it is not difficult to foresee the various methods by which the appointments abroad will at length be wielded by the servants of the Crown.

It was the declared intention of his Majesty's Government, at the opening of the negotiation of 1833, that "the Company should commence the exercise of their resumed functions in the utmost possible state of efficiency."—*Negotiation papers*, 1833, p. 36. Yet, upon the first occasion, when they have discharged the most important of those functions, in making choice of a nobleman, against whom not a voice was raised, that choice is set aside, and the appointment is revoked before the Court is permitted to urge one word in proof that it had not exercised its functions unworthily. The inevitable effect will be to lessen its influence and consideration in the eyes of the Indian community, both native and European, and to narrow the few remaining privileges which were supposed to be

* "Hansard's Debates," vol. xxvi., p. 442. On East India Company's affairs—31st March, 1813.

secured to the executive body under the late agreement between the public and the Company.

The revocation of Lord Heytesbury's appointment is, in fact, a measure unprecedented in its character —uncalled for by circumstances—dangerous in its effects to the constitution of this country—and deeply injurious in its consequences to the welfare and interests of India.

EVILS OF PARTY INFLUENCE—LORD HEYTESBURY.

[The following paper relates to the same subject, and enters more fully into the great constitutional question which the supercession of Lord Heytesbury involved. This, as well as the preceding paper, may be read with especial advantage at a time when it is proposed to increase the power of the Crown, and to render not only the Indian Governors, but a certain number of the Directors of the Company, dependent upon the will and pleasure of the Ministry of the day. The supercession of Lord Heytesbury was a signal instance of the manner in which political influences may affect the destinies of India. It indicates that where the power exists it is likely to be exercised, and that no great forbearance is to be looked for from a political party recognising no duty so imperative as that of strengthening itself.]

I had indulged a hope that the circumstances which have led to the supercession of Lord Heytesbury, who stood appointed to the high office of Governor-General of India by the Court of Directors, with the approbation of his Majesty, would have been publicly explained; and that the correspondence which is understood to have taken place on the subject between the Court and the President of the Board of Commissioners for the affairs of India, would have been laid before the Court of Proprietors, in order that they might be made fully ac-

quainted with the circumstances attending a very unusual proceeding, which may affect their interests, and that your Honorable Court might have an opportunity of explaining the part which you may have taken on the occasion. That your Honorable Court have felt all the importance of the proceeding, and have been anxious to maintain your rights and independence, I cannot for a moment doubt; but the facts of the case not being yet officially before the Proprietors, or the public, the supercession of Lord Heytesbury bears the appearance of the undisguised exercise of an arbitrary power on the part of the Government, in opposition to the will and the remonstrances of the Court.

In this view I cannot regard the measure otherwise than with feelings of deep concern and alarm; for it is manifestly an attempt to render the high station of Governor-General of India subservient to political purposes in this country, contrary to the clear and express intentions of the Legislature, which has carefully provided against the assumption of the patronage of India, directly or indirectly, by the Minister of the Crown.

The appointment of Lord Heytesbury to the office of Governor-General was formally and deliberately made by the Court of Directors, under the provisions of the existing law, *with the full approbation of his Majesty;* and if that appointment can be cancelled without the plea or pretence of incompetency or other sufficient cause assigned, it is perfectly

clear, either that the right to appoint, conferred on the Court by the law, is a mere mockery, or that this right has been violated in a way calculated to degrade the Court of Directors in the eyes of their servants and of the public, and so far to weaken their legitimate influence and authority.

The Act of 1784 gave the Crown, for the first time I believe, the power to recall the servants of the Company; and this power might be necessary and useful, while the Crown had no share in the selection of those high functionaries, to whom the destinies of India, and the interests of the empire at large, might be confided. But the Act of 1813 rendered it necessary that the appointment of the Governors of India should receive the previous approbation of the Crown, and so far superseded the necessity for the power of recall given by the Act of 1784, except in cases of delinquency, mal-administration, or other circumstances, tending to establish the incompetency of the party selected.

The Court of Directors possess the same power over the public functionaries and their servants abroad; but it can be exercised only upon the ground of misconduct, or other sufficient cause assigned; nor has the power of recalling a Governor in any one instance been exercised by the Crown since the passing of the Act of 1813.

Lord Heytesbury's appointment was the free and unbiassed act of the Court. It devolved upon me to have the honor of proposing him to my colleagues; and I did so, not hastily, not under the domineering

influence of the Government, but deliberately, after inquiry, and after satisfying myself that his lordship was likely to do ample justice to the high and responsible trust which it was proposed to confide to him. Sir Robert Peel's Ministry, I can declare, acted most honorably on the occasion: the great object seemed to be to make the most judicious selection for the office; and if it were permitted me to enter into the details of what passed on the occasion, I could establish beyond all dispute that the late Ministry were prepared to concur in the appointment of one totally unconnected with them in party politics.

In justification of an appointment in which I myself took a responsible part (Lord Heytesbury requires not my testimony), I must say that I received from high authority the most satisfactory assurance of his eminent qualification for office.

I have been assured that on the Continent he is held in the greatest estimation, not merely as an able diplomatist, but as possessing those high moral and intellectual qualities, which distinguish some of our statesmen, and which, when found, have disarmed national prejudice, and commanded for our countrymen the involuntary respect of foreigners.

Lord Heytesbury, on the ground of his services, and more particularly his services in Portugal during a season of peculiar difficulty, was recommended by the late Mr. Canning for the honors of the peerage, and effect was given to that statesman's intentions by his illustrious successor.

And what was the feeling of the Cabinet of 1830 with respect to the merits and services of Lord Heytesbury? I may be allowed to quote a letter from the present Secretary for Foreign Affairs, on his coming into office, dated in November of that year:

"I have sent you by this messenger, copies of several despatches, which together with that addressed to yourself, will put you in possession of the views of his Majesty's Government; and I am convinced that the execution of those views, and the interests of the King's service in Russia, could not be in abler hands than yours, nor in any in which I should prefer to see them."

Lord Heytesbury was detained for about two years at St. Petersburgh, at the express desire of his Majesty's Ministers, *some of whom are the leading members of the present Cabinet;* and it was not until his health had failed, and his life was considered in danger, that he was permitted by the Government, in July, 1832, to resign his diplomatic situation, and to return to this country.

I subjoin a copy of the very flattering letter which his lordship received from Lord Palmerston on the occasion:

"I have received the King's commands to express to your Excellency, upon the termination of your embassy, his Majesty's gracious approbation of your conduct during the whole of the period that you have held the office of his Majesty's Ambassador Extraordinary and Minister Plenipotentiary at the

Court of Russia. The ability with which your Excellency has performed your public duties, and the conciliatory manner by which you have so fully succeeded in obtaining the good-will and confidence of the Government of his Imperial Majesty, cannot but have proved highly advantageous to his Majesty's service. It is with great pleasure that I find myself the instrument of conveying his Majesty's gracious sentiments to the knowledge of your Excellency.

"I have the honor to be, &c., &c.,

(Signed) "PALMERSTON."

But the case of the individual, however eminent and respectable, is of minor consideration. It is a public principle for which I desire especially to contend. The Court of Directors have virtually been set aside as a useless organ of administration; and the spirit, if not the letter of the law, has been violated. And what will be the probable consequence? That body which the Legislature has wisely placed as a barrier between India and political parties in this country, henceforward must become political partisans. An open attempt has been made to cancel an unobjectionable appointment for mere party purposes. By rendering the Governors of India the mere dependent nominees of the Ministry, holding office during pleasure, the administration of the day will acquire a power and influence which will enable it to assume and dispense the local patronage of India *clandestinely*, *without responsibility*, and (when bad men bear sway) for corrupt purposes —for the purpose of obtaining political power in this

country, in utter contempt of the provisions of the Legislature, both as they relate to Indian patronage, and to the objects of those more recent enactments which profess to secure the purity of Parliament.

And what will be the situation of the Governor who holds under this precarious tenure? Will he command the same authority and influence abroad? Certainly not. Will he be able to govern and keep in order that large and mixed community, among whom are found so many elements of discord? I fear not. Will he not be regarded as the mere pageant of the administration at home? as the servile instrument for dispensing its patronage? Will any man of honor, of high spirit, of independent principles, and independent fortune, be found to accept the office, and to embark for a distant country, when liable to be superseded upon considerations of political conveniency, or any of those changes of administration which have been so frequent of late years? No doubt the station will still be the object of desire to the mercenary and ambitious, but not to those eminent and disinterested men, who alone ought to be selected for so great a national trust.

And what will be the consequence of this attempt to introduce the distinctions of party into India? What will be its effect upon the public servants, the European community, and the native population, which is rapidly acquiring European notions and habits? Our servants, much to their honor, have hitherto looked to distinction and promotion as the reward of merit and useful service. They have known

no party. They were actuated by an ardent desire to promote the public interests, well assured that their political opinions would never be questioned or thought of. They acted together with perfect cordiality to promote one great end—the public good—without reference to political principles, or party connexions in this country. *India was of no party;* and the Court of Directors were considered to be perfectly independent of all political influence.

But we are now to introduce the badges of party into India. The European community is to be broken into those factions, which so often agitate the public mind in this country, which so often breed discord and disturbance, and cause public principle, the public interests, and the feelings of patriotism, to be sacrificed to party objects. That union which has hitherto constituted our main strength and superiority in India will be at an end; and our native subjects will learn to place confidence in their own numbers and resources, as they perceive the foundations of our power to be shaken. Promotion in the service will be sought as the reward of political subserviency; and distinction and office will be bestowed to purchase the base and sordid services of political partisans in England. That high and independent tone of character which has hitherto distinguished our service, will degenerate into selfishness; while the business of managing adverse parties will be super-added to the multitudinous and arduous duties which already bear so heavily on our Governors, and which seem almost to

transcend the ordinary powers of man. Greatly must the difficulties of the situation be aggravated by the want of permanency in the tenure, by the want of confidence on the part of the public, by the diminution of that influence which independence usually bestows; and serious will be the injury to the public service, if the high functionaries of India, feeling that their situations are held only from day to day, should be discouraged from undertaking those extended works of improvement which require time and persevering labor to bring them to maturity.

My principles would lead me to regard the royal prerogative with profound respect; but he lowers the prerogative who abuses it. The supercession of Lord Heytesbury is the act of the Minister, for which he is responsible to the country. The appointment was formally made and completed by the Court of Directors, *with the approbation of his Majesty*, upon public considerations, without reference to party objects; and to cancel that appointment wantonly and capriciously, is to disparage the royal prerogative, and to set at naught the functions and powers which the law has assigned to the Court. The opinion of the humble individual who has now the honor of addressing you, has been referred to, and misapplied. I fully admit that the selection for the high station of Governor of India must be made by the Court concurrently with his Majesty's Ministers, because the law assigns to the Crown the power of rejection, and because not merely the welfare of

India, but the security of the national interests, may be affected by such appointments; but I never can admit that, after the appointment has been made by the competent authorities, it can be arbitrarily set aside at the will of a Minister, merely because the party does not stand towards him in the relation of a political adherent. This is to render the act of the Court a perfect nullity, and to bring its authority into contempt.

So far from considering his Majesty's Ministers to be supreme, as regards the selecting of our Governors, the Right Honorable the President of the Board might have learnt from the head of the present Government, that, both in theory and in practice, I insisted upon the right of the Court to exercise a sound discretion in selecting for the office of Governor-General; and no Minister, no human power, could have compelled or have persuaded me to propose to my colleagues for that important station, one whom I did not believe to be qualified for the trust. Lord Heytesbury was proposed by me under a conviction that his known talents, his acquired knowledge, his experience, his prudence and firmness, his high character, and his eminent services in various public situations, furnished the most satisfactory assurance that, in the high office of Governor-General of India, his lordship might be expected to promote, not only the well-being and prosperity of our Indian subjects, but the great interests of the empire at large. In this conviction I am confirmed by everything which I have since

heard and seen in the course of a personal intercourse with his lordship; and it is to me matter of deep concern that an appointment which appeared to have met with such general approbation, and from which such favorable results might reasonably have been expected, should have been set aside from party motives. But, anxious as I feel to do his lordship justice, I should not have been justified in addressing the Court of Directors solely for this purpose.

The question involves public considerations of vital importance; and although the Court of Directors may be more competent than myself to appreciate justly those considerations, I shall not, I hope, be charged with presumption in laying before them a vindication of my own conduct as their late chairman. I am called on more particularly to do so by the speech of Sir John Hobhouse in Parliament, which has come under my notice, and in which I am personally alluded to. The subjoined extract from what the honorable baronet is reported to have said, contrasted with the extract from the dissents to which, I presume, he referred, will, I trust, satisfy the Court of Directors that I have not compromised their rights by admitting the power of the Government to appoint, *by its sole authority*, to the office of Governor of India; and still less can I be supposed, even for a moment, to have contemplated that an appointment, formally made and completed under the provisions of the law, could be set aside by the Minister of the day, in opposition to the Court of Directors, upon no other ground than party considerations.

APPOINTMENT OF MEMBERS OF COUNCIL.

[The following brief passage relative to the selection of members of the Indian Councils, is extracted from a paper written in 1833. The Act of that year left the power of appointment uncontrolledly with the Court of Directors. Many of the observations in the preceding paper, relative to the evils of party influence in the appointment of the local Governors, are equally applicable to the present case. The additional arguments here used are worthy, also, of consideration. It would be difficult to furnish any sufficient reason for interfering with the existing system and increasing the power of the Crown.]

But I must observe upon the proposal to subject the appointment of Councillors to the approbation of the King, or in other words, to transfer the patronage to his Majesty's Ministers, that the best security which we possess at present for good government in India depends upon the judicious exercise of the power to select from the service at large the members of Council at the different presidencies. We do not exercise the same independent power in appointing the Governors of India: his Majesty's Ministers must, for obvious reasons, be parties to such appointments. These high functionaries have generally been political characters of distinction, connected with the administration, and they must possess the confidence of the national Government; but the Court of Directors are better acquainted with the merits and pretensions of their own servants, and it is of importance that the whole service should look up to them for protection and advancement. The high station of a member of Council is looked to as the reward of distinguished

service, and it operates as the great stimulus to exertion; but if his Majesty's Ministers be allowed to appoint their own partisans, or individuals not connected with the service, this fair and legitimate object of ambition is at once removed, and those motives and feelings which have heretofore produced such devotion to the public service, will necessarily be weakened, if not extinguished.

COASTING TRADE OF BRITISH INDIA.

[Written in 1849.]

It has been proposed "that, if it should be determined by the Legislature that the ships of foreign nations should be admitted to engage in the coasting trade of her Majesty's colonial possessions generally, the Court would not oppose the extension of that principle to the coasting trade of British India."

I am not prepared to concur in any such concession; for I anticipate great inconvenience and mischief from throwing open the coasting trade of India to our commercial rivals, just as her Majesty's Government wisely foresee that to throw open the coasting trade of Great Britain to those encroaching rivals, would be regarded as a suicidal policy in this country. Else why insert in the proposed Bill clauses 2, 3, and 4, excluding foreign vessels from our coasting trade? Would, indeed, the most infatuated of our free-traders propose to supersede our

colliers, the great nursery of our seamen and the support of our navy, in favor of men who at any time may become our most dangerous enemies?

And if it be right to protect our coasting trade, is it not right to foster and protect every branch of our commerce? There may be a difference in degree; but there can be no real distinction in the application of the principle of protection.

The Court seem to consider that if the coasting trade of the British colonies be set free, that will be a sufficient ground for opening the coasting trade of India; but there is not the slightest resemblance between the two cases. The West Indies, and our other colonies, have little or no coasting trade. They have few ports, and only some half dozen articles of produce (sugar, coffee, spices, &c.), which are sent to the mother country, heretofore as rent chiefly, but now as a return for stores and articles of consumption received from Great Britain.

India, on the other hand, has an immense and very miscellaneous produce—an extensive shipping—and numerous ports from Singapore round the Bay of Bengal and the Peninsula to the coast of Cambay—Cutch and Scinde, the Persian Gulf and the Red Sea. Here is a vast expanse of coast, and the materials for an almost unlimited trade, as different from the localities and circumstances of our western colonies as can well be imagined. And why should we consent to make a valuable concession in the one case, because a nominal or trifling boon may be conceded in the other? If the Court had stipu-

lated that our concessions should be made dependent on the British coasting trade being thrown open to foreigners, we should have had something like a precedent for our justification; but I hope and believe that her Majesty's Government are too prudent to furnish us with such a precedent.

I will now briefly submit those considerations which appear to me to demand the preservation of the native shipping of India.

I will only cursorily allude to those noble vessels, the teak-built ships of Bombay, which heretofore engrossed a large portion of the carrying trade between India and China and the Eastern Archipelago, and which also navigated occasionally between India and this country. They were perhaps the safest and most durable of our commercial marine; and let it be remembered, that when an army was to be transported to Egypt and the Mauritius, their services were found eminently useful. They are, I fear, fast disappearing; but is there any man so unobservant of what has been passing of late in Egypt, as to feel satisfied that events may not again arise to render it necessary that another armament should be sent forth from India to secure our communication with that country? Alexandria has been most elaborately fortified by the subjects of a European Power, whose views have long been directed to this quarter, and who are now in a position to carry out those views under more favorable circumstances.

But what I would earnestly enforce is, the necessity of maintaining the *native craft* employed in the *coasting* trade of India.

There is a large fleet of "*Dhoneys*" which navigate between the coast of Coromandel and Bengal, and convey salt to Calcutta from that coast, returning with cargoes of grain. The chief place of resort for equipment and repair is the Bay of Coringa; and from this quarter the grain can be distributed, not only throughout the northern Circars, but for the supply of his Highness the Nizam's territory.

Those, who have witnessed the fearful ravages of famine in India, must feel that anything which can tend, even remotely, to aggravate the calamity, ought to be carefully avoided by every friend of humanity. Admit the Americans into our coasting trade, and there cannot be a doubt that this enterprising people will speedily become carriers of salt on their outward voyage to Calcutta; and although they might not, under ordinary circumstances, engage in the trade in grain, yet, by depriving the "Dhoney" owners of one of their freights (the voyage now yielding two), they would, at no distant period, cause those vessels to be gradually disused and set aside. The property of the owners would be thus destroyed, a large body of native seamen would be deprived of their employment, and if a famine or scarcity should unhappily arise, we should no longer possess the same means of furnishing the necessary supplies of grain from the fertile districts of Bengal.

And who would benefit by this unnatural change? Certainly not any class of our own subjects, either as consumers, or producers, or merchants, or navigators, or capitalists, or others. The only parties who

would gain would be the indefatigable Americans, who will never willingly make any adequate concession to us in return.

I was not a party to our Free-trade despatch to India in April, 1846, for it had passed the Court before I resumed my seat in that month; but I shall never cease to deplore the fatal infatuation (as I consider it) which has caused this country to depart from its ancient policy in a way to involve large classes of our people, and many valuable interests, in bankruptcy and ruin.

When I see the enterprising and intelligent Americans, or any of the commercial nations of Europe, adopt our policy and fairly reciprocate "the advantages of Free trade," I shall be content to revise my opinion. In the mean time, our commercial rivals, no doubt, regard with extreme complacency that liberality which is ready to make gratuitous concessions and national sacrifices without the slightest prospect of a return.

Yes, the expected return is to be cheap ships and cheap mariners, in substitution for our superb marine and our discarded seamen, unequalled though they be in every quality of the profession.

Rough is the life of a sailor, and short, and oft-times perilous; and yet we would grudge him his hard-earned pittance. These noble fellows were once the pride and boast of a grateful country; but that country is now become an unnatural mother, bent upon destroying her own offspring! Are we prepared to see these men parading our streets as men-

dicants, or consigned to our already over-crowded workhouses? or do we desire to see them transfer their services to a rival Power, for the purpose of strengthening its naval force and extending its commerce? I remember, some years ago, to have heard of three hundred of these fine fellows embarking in a body from Liverpool to the United States. An attempt was made to dissuade them, by one of our officers on the spot; but they stated that their only reason for abandoning their country was, that they could no longer find employment in its service. Can we expect to find substitutes for such men in foreigners? Will they fight our battles with the same ardor and spirit? What has given us supremacy on the seas? and where have we been defied and defeated at sea, except by a navy manned in part by our own native seamen? And yet we coolly propose to discard our gallant sailors to promote some sordid object; and the proposition is supported by those who never encountered a danger, or suffered a privation!

Our Indian seamen, or Lascars, are also, I must contend, entitled to our protection. They do not possess the physical powers, nor the energy of British sailors, nor can they bear up against the severity of a northern climate; but they are orderly and industrious, and their displacement by foreigners would not only be a hardship to a large body of our own subjects, but would involve loss to the country.

It was urged that the consumer of salt in Bengal would be benefited by the relaxation of our com-

mercial restrictions, and that freedom of commerce and navigation must tend generally to promote the prosperity of the country. All this I am prepared to deny. The price of salt to the consumer is regulated in Bengal by the *Government-tax;* and whether the salt be imported, as heretofore, on "Dhoneys," or on American vessels, the consumer will have to pay the duty of 275* rupees per 100 maunds, plus the prime cost of 15 rupees charged by the Madras Government, and the freight from the coast. The only difference will be, that the Americans may obtain the freight instead of the owner of our native craft.

As to the happy results of unrestricted trade, I shall only observe that it is easy to deal in generalities, when there is no question as to their practical application. Have these results been manifested in the prosperous condition of the Mauritius, or of Ceylon? Has Jamaica, and our other West Indian colonies, felt the invigorating influence of unrestricted trade? Can the fallen houses, heretofore engaged in the commerce of India, be cited as instances of national improvement? Have the people of India, the agriculturist, the manufacturer,

* Government-tax . . 275 rupees per 100 maunds.
Price on the coast . . 15 „ „ „
Ordinary freight—say . 55 „ „ „

345 rupees.

The price of Bengal salt may be stated at from 353 rupees to 375 rupees.

From the best account which I can procure, the coasting-trade employs about 9000 vessels, giving an aggregate tonnage of about 500,000; but this may include double voyages. Returns have been made, I understand, to the House of Commons.—H. St.G. T.

the merchant, and the agent, become more prosperous and wealthy? Have the East India Company sustained no loss or disadvantage by the late change in our commercial policy? Why, we can no longer command, through commerce, a remittance from India to defray the home expenditure. Within the last twelve months we have been compelled to resort to two large remittances in bullion, and we have lowered the exchange on our bills from 1s. 11d. to 1s. 9d., making a difference against India of about 10 per cent., or on the sum annually required to be remitted to this country, of not less than 300,000*l*. This operates virtually as an addition to the annual tribute, which the people of India must pay, or we must go on borrowing from year to year without the prospect of ever being in a condition to redeem the debt.

It has been alleged that the fall of the great houses in this city, in 1847-48, was a *coincidence*, and not a *consequence* of the introduction of Free-trade; but I must maintain, on the contrary, that the commercial derangement which took place at that period is directly traceable, in various instances, to the alteration in the sugar duties; a change which has ruined the Mauritius, and which has impoverished Jamaica and our other West Indian colonies. The facts are notorious, and beyond dispute.

It may be considered presumptuous in me to engage in the discussion of a great national question which at this moment occupies the attention of the

Legislature; but the Court have been called upon to give an opinion on the proposition to open the coasting trade of India to foreign competition; and I, as a responsible member of the Court, have not only the right to record my individual opinion, and the grounds on which it has been formed, but I feel it to be a point of public duty to resist, by all legitimate and becoming means, a measure which I honestly believe to be anti-national, and calculated to be injurious to a country whose interests we are bound to defend.*

* In connnexion with the above subject, and bearing upon the general question of the Navigation Laws, the following letter, written by Mr. Tucker to the present Lord Derby, may be advantageously inserted:—

"My Lord,—I am not of sufficient importance from political connexions, or otherwise, to take part in the public affairs of this country; and, indeed, I have found abundant occupation in attending to the immediate duties of the station which I have long held in the service of India.

"But I have not been altogether inattentive to passing events; and being, upon principle, what is termed a "Protectionist," I view with jealousy and distrust every attempt to extend to India the application of those novel doctrines, which, in my opinion, have already produced infinite mischief in our own country.

"The Court of Directors have lately been called upon to state how far the abrogation or relaxation of the Navigation Laws would be liable to affect the commerce of India, with reference especially to our coasting trade; and a majority of the Court have expressed an opinion that, provided the coasting trade of the British colonies generally be open to foreign competition, there would appear to be no objection to the extension of the same policy to the coasting trade of British India.

"But I could not concur in this opinion; and I have thought it right, as an independent member of the Court, to record my protest against the projected concession,

"I take the liberty of submitting a copy of this document for your lordship's perusal, in order that it may not be supposed that the Court were unanimous in their judgment, and that your lordship may have an opportunity of examining and weighing the facts and reasoning on which my opposition to the proposition of the Government was mainly founded.

"It has always appeared to me that our recent commercial legislation must

PRIVY COUNCIL APPEALS.

[The following paper, written in 1828, contains the substance of a proposed letter to the Board of Control. As the letter was not adopted by the Court, the Editor has substituted the personal pronoun for the collective designation of the "Court of Directors," in whose name it was originally written.]

The measure contemplated by the Board of Commissioners of appointing a Registrar of Appeals, coming from the Courts of Sudder Dewanny Adawlut in India, involves questions which are attended with some difficulty; and I propose, therefore, to take a preliminary review of the circumstances connected with these appeals, in order to ascertain how far, and in what manner, the difficulties apprehended can best be obviated.

By the 21st Geo. III., cap. 70, sec. 21, the native Courts in India, established by the authority of the Governor-General in Council (the Sudder Dewanny Adawlut being the highest civil tribunal), are con-

have a direct tendency to cause the transfer of the landlord's rent—of the farmer's earnings—the wages of labor, and the profits of capital, from this country to other states; and the capital so transferred must, I apprehend, sooner or later, be employed to promote the manufacturing industry of those states. In this case, the parties who have been intent only to extend their manufactures, may find, by-and-by, rivals, where they expected to find customers; while the country will have sacrificed some of its most valuable interests, by giving way to their audacious clamor.

"Our colonies are notoriously reduced to the utmost distress, with their affections, I fear, alienated from the mother country; and although it is pretended that the relaxation of the Navigation Laws is to become the means of alleviating that distress, no reflecting person can seriously believe that it will rescue them from impending ruin, or that the abrogation of those laws will tend in any way to promote the prosperity of that country, which, in an eminent degree, owes to them its rank, its power, and its safety.

"I have, &c., &c.,

"H. St.G. Tucker.

"5th March, 1849."

stituted Courts of Record; and an appeal is allowed by the same section from the decisions of those Courts to the King in Council, in all cases where the subject-matter in dispute may amount to the sum of five thousand pounds.

Section 23 of the same Act, recognised and confirmed by the 37th Geo. III., cap. 113, sec. 8, empowers the Governor-General in Council to frame regulations for the Provincial Courts, which regulations his Majesty in Council may disallow or amend; but which, "if not disallowed within two years, shall be of force and authority to direct the said Provincial Courts, according to the tenor of the said amendment, provided the same *do not produce any new expense to the suitors in the said Courts.*"

Under the authority of this statute, a voluminous code of regulations has been framed by the Governments of India, for the administration of justice to the native subjects of Great Britain, according to their respective laws and usages; and in the preamble to Regulation 41 of 1793, which may be regarded as the keystone of the code, it is expressly declared that "it is essential to the future prosperity of the British territories in Bengal, that all regulations which may be passed by Government, affecting in any respect the rights, persons, or property of their subjects, should be framed into a regular code, and printed, with translations, in the country languages; that the grounds on which each regulation may be enacted, should be prefixed to it; and that

the Courts of Justice should be bound to regulate their decisions by the rules and ordinances which these regulations may contain," &c., &c.

It appears to me, upon a careful consideration of the system under which justice is administered to the natives of India, that any regulation affecting their rights or interests ought to originate with the local Government, who must be most competent to judge how far such regulation may be in accordance with the laws and usages of the country, and with the local code which has been framed, under the authority of Parliament, for the express purpose of securing to the people the full enjoyment of their peculiar rights and privileges.

I am aware that the Privy Council is quite competent to frame rules for regulating their proceedings as a Court of Appeal, as well as to appoint a "Registrar of Appeals," or any other officer, whose services may be necessary to promote the due administration of justice; but, at the same time, I entertain very serious doubts how far the East India Company can be called upon to concur in the appointment of a Public Agent for conducting the case of an appellant, or respondent, in appeal, without the knowledge or authority of the party concerned; and still more reason have I to doubt how far it would be expedient to employ such an officer in the very new and anomalous situation of a general agent for conducting the cases both of appellant and respondent at one and the same time.

I cannot, moreover, perceive the necessity of employing counsel in appeals from the Courts of Sudder Dewanny Adawlut, because the case is submitted to the Privy Council in the exact state in which it was decided upon written documentary evidence. Now evidence is not taken in this country, nor are any fresh pleas admitted; and as the decision of the Courts of Adawlut is founded upon the Hindoo or Mahomedan law, or the regulations of the local Government, with which the Bar of this country cannot be presumed to be generally acquainted, the Court cannot perceive that the services of counsel in conducting these appeals are likely to be often either necessary or useful.

I am fully sensible that delays in the administration of justice are liable to produce very serious evils; and also see reason to apprehend that appeals are not unfrequently preferred to the Court of last resort for the purpose of gaining time, and of keeping individuals out of their just rights; but if the appellant in a suit wilfully neglect to prosecute the appeal, he is liable to suffer for his default, since it is an inherent power in every Court to call on suits, or appeals, in the order in which they may stand on the file, and in the absence of parties committing such default, to proceed to judgment without them. I observe, indeed, that when it is proposed to commit the case *both of appellant and respondent to the same individual agent*, nothing more is probably intended than to provide for the due observance of certain forms of proceeding, not at all essential to a

faithful and satisfactory development of the merits of the particular case.

While I think it is necessary that the Company should pause before they adopt a suggestion which may subject parties in appeal from the native Courts of India to a new expense, not at present contemplated by them, and which may be regarded by them as violating the pledge formally given by the Indian Government, that all regulations affecting their rights shall be passed under certain prescribed sanctions; while I see reason, also, that they should pause before they undertake to advance from the territorial or commercial funds of the Company the amount of expenses incurred in appeal, which it may not be possible to recover afterwards from persons suing *in forma pauperis*, as well as from respondents generally who do not give security for costs,—I feel assured that the Court will most readily and cordially co-operate with the Commissioners for the affairs of India, for the purpose of promoting the very important object of expediting decisions in appeals from the Courts of Sudder Dewanny Adawlut to his Majesty in Council; and with this view, I would propose that the Court of Directors should immediately prepare a despatch to the Governments of India, calling their particular attention to the subject, and requiring them to take into consideration the expediency of passing a regulation in the manner prescribed by Regulation 41 of 1793, for the appointment of one or more public officers, or agents, to conduct cases of appeal before the Privy

Council, and otherwise to give effect to those provisions for the speedy and better administration of justice, which the Privy Council and the Board of Commissioners may have contemplated in the arrangement at present under discussion.

The regulation so framed and passed by the local Government, will, in regular course, come under the consideration of his Majesty in Council; and it will then be competent to this high authority to sanction, or in its wisdom to amend it in such manner as may be deemed most suitable and most conducive to the attainment of the objects which the regulation may have in view.

THE AFFAIRS OF THE PUNJAUB.

[The annexed observations, on the state of our relations with Lahore, written in 1843, were accidentally omitted from the series of political papers to which they belonged. They are inserted here, in illustration of the consistency with which Mr. Tucker set his face against all uncalled-for aggression and all impolitic extension of empire. The continued absorption of principality after principality, which finds favor in the eyes of some politicians, was ever condemned and resisted by him. The native princes had no steadier friend, and no more powerful advocate.]

I contend that the Government of India is not called upon to interfere in the internal concerns of the Sikh state of Lahore; and that considerations both of justice and of policy should restrain us from any such interference.

The plea of "dum proximus ardet" cannot be urged here; for the Sikhs have no power to molest us. We shall not necessarily be affected by the disorder and commotions which prevail in the Punjaub; and it may be safely asserted that not a Sikh will

venture to cross the Sutlej* for the purpose of committing aggression on the British territory.

We are not bound by treaty to uphold the succession in the family of Runjeet Singh, or any other family, or to aid in suppressing rebellion, or in maintaining order and tranquillity in the Sikh territory. The treaty of the 26th June, 1838, contains no stipulation of the kind; and Runjeet Singh would have scouted any proposition from us to afford our assistance in controlling his subjects, or in settling the internal affairs of his government.

The international law of Europe does not authorise an armed interference to put down commotions in a neighbouring state—to suppress the spirit of revolt —or to punish outrage and assassination.

The Government of France does not dare at this moment to interfere in the revolutionary movements which have lately taken place in Spain; although she would gladly send her armies across the Pyrenees to establish a paramount influence in that country. Nor has Turkey, or Russia, ventured to take part in the late revolution in Greece, although the former of those Powers was not long since despoiled of the territory now constituting Greece, and the latter is unquestionably anxious to extend her influence to the shores of the Mediterranean.

But, it may be said, considerations of policy will not permit us to neglect so favorable an opportunity for acquiring a territory so highly desirable, and so

* Nor would they, if it had not been for our proceedings in Scinde and Gwalior.—H. St.G. T.

valuable for giving strength and compactness, and an impenetrable frontier to the British possessions in India.

There is not a highwayman who may not use this plea, or who would have any difficulty in showing that the purse which he seizes is more necessary and useful to him than to its original possessor. But it is not clear to me that considerations of mere policy would dictate the forcible seizure of the Punjaub by the British Government. We cannot stop at any particular point—we must take the whole territory of the Sikhs—we must advance to Peshawur, Kashmeer, and Làdàk. We must appropriate Moultan, and the strip of country on the right bank of the Indus.

Now, it is well known that the Afghans claim Peshawur, and covet Kashmeer, which was heretofore possessed by them; and our advance beyond the Indus must inevitably bring us again into collision with that people.

Our advance into Làdàk and the hill districts, over which the Sikhs at present exercise authority, would bring us to the confines of Chinese Tartary, where we should find an enemy by no means contemptible; for we have seen on a recent occasion that the Tartar troops in that quarter signally defeated and drove back the Sikhs who attempted to penetrate into their country. Nor can it be doubted, I think, that the Government of Pekin would take the alarm if they found us on their western frontier so soon after our attack upon their southern and

eastern coasts. It will be difficult enough to preserve friendly relations with China under any circumstances; but the difficulty will be greatly increased if any cause of jealousy should be superadded in another quarter.

And where is our grasping policy to end? We have just seized and appropriated the territory of Scinde, without the slightest plea or pretence for this act of aggression.

The Gwalior state is distracted; and we shall find little difficulty in reducing it to subjection, if we seek an excuse for this purpose; but we cannot expect that the Mahrattas will long remain indifferent spectators of our encroachments.

The death of Maharajah Maun Singh will afford us a similar occasion for invading the territory of Joudpoor; but here, too, we must be prepared to encounter, sooner or later, the hostility of the Rhatore Thakoors, and other tribes of Rajpoots.

We are by degrees appropriating, as *escheats*, the independent Sikh principalities on the left bank of the Sutlej; and in advancing our military line of cantonments from the Jumna to that river, the Sikhs will naturally have concluded that it was done for a hostile purpose; and that, even before the late commotions at Lahore, we meditated the conquest of their country. At Hyderabad we are pursuing the same aggressive policy by different means. We have lately submitted to his Highness the Nizam a short treaty, by which he is called upon to surrender his territory to the management of the

British resident, as "*Dewan*," in consideration of our advancing a sum of money "at five per cent. compound interest" for the discharge of his Highness' debts. To whom this functionary, or "*Dewan*," is to be responsible, I do not exactly know; but he will have to administer a country yielding an annual revenue of 1,73,00,000 rupees; and if any surplus should be realised, the last article of the treaty provides that it shall be at the disposal of the British Government.

Now, I would observe here that it may be clearly shown that the financial difficulties of the Nizam's Government have been produced mainly by the British authorities, who have compelled him to maintain an expensive* military force, contrary to treaty, for our own purposes, and not with any view to his Highness' interests or wishes.

Under such circumstances, can we be surprised if the attachment of the people of India has been alienated from us? I may venture, indeed, to assert that there is not now a single chief in India, or any man of rank and consideration (a few Hindoo capitalists excepted), who would not draw his sword against us on the first favorable occasion, and who is not at this moment anxious to drive us out of the country.

This feeling did not prevail heretofore, except, perhaps, among the higher class of Mahomedans, whom we have superseded in the administration of

* 40,00,000 rupees per annum.

the country; but I believe it now to be general; and a prudent statesman would be careful not to call it into action.

But if our present councils continue to prevail, there will not be found an independent native state, in the course of a few years, throughout India; and our colossal empire will exceed in extent and magnitude that mighty fabric which fell to pieces by its own bulk in the last century.

And yet we cannot manage well our present extensive possessions. We were engaged during three years in putting down the Cole insurrection; and about the same period has been occupied in the attempt to suppress, by a large military force, the disturbances which still prevail in the province of Bundelkund.

An immediate consequence of the occupation of the Sikh territory will probably be the augmentation of the regular army; and if our establishment of European officers be once increased, it cannot be again reduced without certain inconvenience. We cannot throw a large body of officers out of employ without manifest injury to the individuals and to the public service; and they cannot be seconded upon the existing corps without putting a stop to promotion; and nothing tends more to dispirit and enervate our army in India, than a stagnation of promotion. In England, regiments are reduced from the war establishment without a murmur; and although individuals undoubtedly suffer, they

are absorbed in the mass of society, and their grievances produce no public disorder.

I would deduce from the foregoing remarks that even motives of policy do not recommend an interference in the domestic strife of a barbarous people, who hold us in detestation, who are not to be trusted as friends, and who are not to be despised as enemies.

There is no necessary connexion between the present state of affairs in the Punjaub and our late occupation of Scinde; but if it be contended that the Scinde question cannot be safely entertained while the Governor-General is engaged in another quarter, and that he must be left to finish the work which he has begun, then I would submit that the present Governor-General will never be without work of the kind while a native state exists in India; and to suspend the consideration of the case of the Ameers until the country settles down into a state of composure, will be to postpone it to a term which may never arrive.

I would, in conclusion, submit that those who have condemned his lordship's councils in Scinde, as wanting in policy and justice, are bound to show that there are now just grounds of confidence, which should determine us to commit the arrangement of our affairs at Lahore, Gwalior, Joudpoor, Hyderabad, and throughout the vast continent of India, to the same hands whose proceedings in Scinde have been formally disclaimed by the Court of Directors.

CHARACTER OF THE NATIVES OF INDIA.

[From a letter addressed in 1821 to the Right Hon. J. C. Villiers.]

It appears to me unnecessary, injudicious, and even unjust, to stigmatise the whole Hindoo race as a degraded people. It is extremely difficult, if not quite impossible, to characterise any nation by a few epithets; and *I* certainly could not undertake to describe the great body of Christians in any terms which should be justly and universally applicable. The moral and intellectual condition of the people of India, it must be admitted, is generally degraded when compared with the moral and intellectual condition of the inhabitants of this favored island; it is susceptible, no doubt, of great improvement, and it is a legitimate and laudable object of the Society to assist in effecting this improvement. But let us not offend the Hindoos at the very threshold by the use of opprobrious terms; and let us always hold in mind that we come forward as *auxiliaries*, and not as *principals*—that it is our object to aid and encourage them in their own spontaneous efforts to emancipate themselves from a lamentable state of ignorance, and not to sit in judgment upon their national character, or to dictate to them the appropriate remedy for their real or supposed vices and defects. Such a proceeding would probably damp their own ardor, impress them with doubts and apprehensions with regard to the intentions of the Society, and perhaps determine them to abandon at

once the very useful undertaking in which they have so unexpectedly engaged for their own improvement. Moreover, it is, in my opinion, unjust to condemn this people indiscriminately. Among the Brahmins are to be found men of a simplicity and purity of life and manners scarcely to be surpassed by the genuine professors of Christianity in its purest form; and even the errors of such men deserve to be treated with tenderness and forbearance.

The Hindoos are frequently reproached with falsehood, meanness, and deceit. But falsehood and deceit are the arms resorted to by the weak against the strong. Servility and meanness are the natural offspring of an arbitrary and oppressive Government. It is the misfortune of this people that they should have been exposed for ages to the injuries, the exactions, and oppressions of successive conquerors; and until lately, they have had no experience of the security and the blessings enjoyed under a wise, just, and paternal Government, capable of affording them protection against foreign invaders, as well as against the instruments of its own power.

In the little experience which I had in the administration of justice in India, I certainly found it extremely difficult to satisfy my mind on the evidence which was produced. The witnesses were often contradictory, and their testimony was sometimes highly improbable and irreconcilable with my view of the facts. But, although the crime of

perjury is certainly not uncommon, the difficulty in these cases partly originated with myself, and the apparent defects in the evidence were sometimes, I believe, to be referred to the deficiencies of the judge. Few Europeans succeed in acquiring that accurate knowledge of the languages which is essential to the due administration of justice, and few possess that knowledge of the manners and habits of the natives of India which is necessary to enable them to enter into the feelings of this people, to understand their character, to appreciate justly their motives, and to deduce the true value and import of their evidence. On this subject the Committee might, I think, with great advantage consult the official reports of Sir Henry Strachey, and other gentlemen who have distinguished themselves in the judicial department of our service.

But it is with the *ignorance* of the population of India that we have to deal more immediately. The Hindoos are little acquainted with any of the sciences—their knowledge of astronomy is understood to be very limited—they have not, I believe, any knowledge of natural history, anatomy, or the important art connected with it; to chemistry, optics, and other branches of science in which so rapid and extraordinary a progress has been made of late years in Europe, they are utter strangers; and although I do not profess myself to be in any respect a competent judge of their attainments or their deficiencies, I am disposed to join in the common opinion that there is an absolute want of all

useful knowledge among them, and that we should perform a most valuable and praiseworthy service in assisting to raise them from their present state of ignorance. To this great object our labors will, I hope, be directed, and, for a time at least, be exclusively confined.

It appears to me absolutely necessary that we should scrupulously avoid all interference with the religion of the Hindoos, which is so interwoven and blended with all their social habits and affections, that it cannot be assailed without giving immediate alarm to the whole Hindoo population. The political consequences to be apprehended from such an alarm I will not enlarge upon; but as I firmly believe that the establishment of the British empire in India is conducive to the welfare and happiness of many millions of human beings—as I am persuaded that its subversion would be followed by a protracted state of anarchy, bloodshed, and misery—as I am convinced that, upon its preservation, our best hopes of introducing the lights of Truth by human means must be founded—and that, in its dissolution, we must be prepared to witness the wreck of every project which aims at ameliorating the moral and intellectual condition of the people of India—I am, I confess, at all times alive to the dangers which threaten this noble structure, and at all times unwilling to hazard a certain good in the prosecution of attempts whose failure would be attended with certain and wide-spreading mischief.

It may be admitted that some of the superstitions

of the Hindoos are absurd and extravagant, and revolting to humanity; but no good purpose will be answered by branding them with this reproach. Let us hope that, by opening and cultivating the mind—by exercising and directing it to the proper objects of study—and by familiarising it with the demonstrations of Truth which the exact sciences supply, the errors of superstition will be gradually dispelled in India as they have been elsewhere, and that sound principles, and a purer system of morals and religion, will succeed to that intellectual darkness which we at present deplore. . . . .

It is not easy to analyse the nature and sources of the British power in India; but one of the elements in it is our union, or the faculty of acting in concert under the guidance of a single mind. The wisdom and energy of our councils—the intelligence, and vigor, and enterprise of the British character—the justice and good faith usually observed towards our soldiery and subjects, as well as in our public transactions generally, constitute a solid foundation of strength; but the effect of these in India is heightened by the imagination. The natives of that country perceive extraordinary results proceeding from some remote source, which is entirely removed from observation. Under circumstances of the greatest difficulty they see us extricate ourselves and command resources which seem to be inexhaustible: if arms, men, and money be wanting, they appear—and they are employed and directed, with the precision of machinery, to the accomplishment of any ob-

ject which we propose to ourselves. They contemplate these effects of an unknown agency with something of the same sentiment with which they regard the operations of Nature as manifested in the thunder and the lightning, without comprehending the cause. I would not wish to have recourse to hyperbole, or to the language of exaggeration, or I should say that the British power has hitherto been regarded in India with something of the same feeling of awe and reverence which is felt towards the enshrined idol of the temple, which is veiled from the profane gaze of the multitude. Some persons may consider this an evil, because it is not founded in reason and truth; I am disposed to consider it as a good, because it imparts *influence* to our government and national character, and influence is power exerted in a milder form. Destroy this influence, and we must then depend upon the exertion of actual force —we must govern with an iron sceptre, instead of leading and directing an immense population by the movements of a wand. . . . .

The natives of India are not generally deficient in personal courage. Some classes of them are remarkable, indeed, for possessing this quality in an eminent degree; and it should always be held in mind that our own military force is composed chiefly of this people. Still less are they deficient in natural sagacity; but these elements of strength are scattered and dispersed, and cannot be brought to bear upon any one point from the want of union and of confidence in each other. But give them, by means of

a free press, a chain of communication and connexion, and we unite these dispersed fibres, and convert them into a cable of strength. On the political inconvenience which may be experienced from an ill-disposed press, during a period of war with the native Powers, it is quite unnecessary to insist.

THE ABKARRY ESTABLISHMENT.

[The subjoined remarks, written in 1841, form the substance of a document in which Mr. Tucker declared his opinions regarding the impropriety of an extension of the Abkàrry Establishment. The Abkàrry is a source of revenue somewhat resembling our own Excise. It is, in fact, a tax on spirit licenses. The right of opening shops for the sale of spirituous liquors is sold to certain contractors or farmers, who, again, underlet the privilege. There is no doubt that the sale of intoxicating drinks has greatly increased of late years in India, and that many of the evils anticipated by Mr. Tucker have actually come to pass.]

In authorising a large addition to the Abkàrry Establishment (estimated at about 5 lacs of rupees per annum), we incur a certain evil, without any sufficient or satisfactory assurance that there will be a commensurate increase of revenue. It is proposed to quadruple the public establishments upon a mere speculative project of augmenting the receipts into the public treasury.

I object to this;—

1st. Because I consider the deputation of a vast number of petty excise-officers into the interior of the country, as likely to be productive of much oppression to the people, who will be harassed by their vexatious exactions.

2nd. Because I consider the Abkàrry-tax generally,

and our retail opium shops in particular, as a most disreputable source of revenue. This tax is justifiable only in so far as it may have the effect of checking the consumption of intoxicating liquors and deleterious drugs, and of promoting the purposes of an efficient police; but we now come forward with the avowed object of rendering the Abkàrry a productive source of revenue to the Government.

This can be effected only in two ways: either by encouraging and increasing the consumption of a noxious article, injurious to health, or by imposing such efficient checks as shall prevent an evasion of the tax.

The first mode of producing an increase I should consider discreditable to any Government; but most particularly to our Government in India, where the people regard with greater disgust the degrading habit of intoxication, than is felt in this and some other countries. The Abkàr is always a person of very low caste; and it was heretofore held to be a pollution to any respectable Hindoo to enter his shop. Before the year 1790 few shops were tolerated in a Hindoo district; and in the extensive Zemindarry of Nuddeah, there was not, I have reason to believe, a single shop to be found. In this particular, the natives of India evinced a nicer sense of propriety, and a greater solicitude to preserve decency and correctness of conduct in the lower classes, than their more civilised conquerors.

If the present tax be evaded by the Abkàr, or if

the collections made from him have found their way into the pockets of our native servants, instead of flowing into the public exchequer, these are abuses which call for greater vigilance, and a more efficient superintendence; but our establishments are already very large, the present charge amounting to 1,27,280 rupees, upon a revenue of 17,19,568 (exclusive of the collectors' salaries); and if these establishments be not sufficient to suppress the illicit vend of spirituous liquors, what reasonable ground of assurance have we that a greater number of petty officers will be more successful?

On the other hand, if the deficiency of revenue result from their corruption and peculation, what assurance have we that the new officers will be more honest and trustworthy than those at present employed?

But it is scarcely concealed that our object is to increase our resources by enlarging the sphere of taxation;* and a more impure source of revenue could not well be devised, if it be viewed without reference to objects of police, and to the duty of

* The following extract from the *Asiatic Journal* for May, will show that similar means have been adopted to extend the Abkàrry at Fort St. George:

"The report of the Madras Temperance Society complains of the many obstacles the friends of temperance in India have to contend with, in the many thousands of arrack shops established under the sanction of Government, by the Abkàrree contractors, all over the country. The Abkàrree contractor, it is stated, was enabled to give upwards of 68,000 rupees for the exclusive sale of intoxicating liquor in the Chingleput district, only for the year 1840. This will give an idea of the consumption of liquor there must be among the natives; and the arrack farmer will not confine himself to the exclusive sale of ardent spirits or intoxicating liquors to the inhabitants, but will also find the means of selling clandestinely to European and native soldiers."

checking the consumption of a pernicious article. The Abkàrry shops are the resort of the idle and the dissolute—of vagrants and thieves, who rendezvous at these places for the purpose of concerting plans for carrying on their depredations upon the community; and the project which has been countenanced by the Court must have the effect of increasing the number of those odious haunts of vice. They were heretofore shunned by all who had the slightest pretensions to character; but now that they are sanctioned and patronised by the Government, the same degree of opprobrium does not attach to those who frequent them.

Ever since I have had the honor of being a member of this Court, I have uniformly and steadily opposed the encouragement given to the extension of the manufacture of opium; but of late years we have pushed it to the utmost height; and disproportionate prices were given for the article in Malwah. We contracted burdensome treaties with the Rajpoot states to introduce and extend the cultivation of the poppy—we introduced the article into our own districts where it had not been cultivated before, or where the cultivation had been abandoned; and we gave our revenue-officers an interest in extending the cultivation in preference to other produce much more valuable and deserving of encouragement; finally, we established retail shops for the sale of the drug, which brought it home to every man's door.

How different was the policy of those statesmen

(Lord Cornwallis, Sir John Shore, Lord Wellesley, and Lord Minto) who circumscribed the produce within the narrowest limits, confining the cultivation of the poppy to two of our provinces,* and actually eradicating it from districts where it had been previously cultivated. And how fatal have been the consequences of a departure from this wise and humane policy! Is there any man still so blind as not to perceive that it has had a most injurious effect upon our national reputation? Can any man be found so hardy or perverse as to deny that it has led to the total derangement of our trade with China, which was heretofore the source of wealth and prosperity both to India and to the mother country?

In conclusion, I would call attention to a statement which I have prepared, exhibiting an abstract of the Bengal revenue and charge at four different periods or intervals of ten years; and from this comparative review it will be seen that the revenue has not increased with the increase of establishments (the speculation indulged in with respect to the Abkàrry); that the ratio of charge has in most cases greatly increased, and especially in the instance of the opium revenue; and that the utmost care and vigilance on the part of the Court will be required, to prevent the charge of collection from absorbing a large and an undue proportion of the public income.

* See my remarks of the 1st of October, 1829, to which I would willingly call attention, as applicable to the present question.—H. St.G. T. [*Ante*, p. 149, *et seq.*]

DECLINE OF INDIAN MANUFACTURES.*

[Written in 1831.]

One great argument urged against the East India Company has always been, that those who conduct this multitudinous concern, having no immediate interest in its success, are accustomed to disregard those prudential considerations which regulate the conduct of other merchants; that they purchase dear and sell cheap, with little reference to the state of supply and demand; and that, by thus deranging prices, they destroy the equilibrium which ought to exist between the markets of supply and those of consumption.

As far as India is in question, the charge must, to a certain extent, be admitted; for the trade of late has not only been one of a *forced remittance*, but the Company, in its commercial capacity, has been accustomed to perform the office of benevolent rulers. We have continued to support the expiring manufactures of India long after they ceased to be supported by the demand of the consumer; and we have carried on the trade (injudiciously, no doubt) long after it ceased to be profitable to us as merchants. We have done this, moreover, in the face of great discouragement; for the British Legislature, far from participating in those feelings and views by which the Company were actuated, have virtually excluded the manufactures of India from

* From a paper on the subject of Investments of raw silk from Bengal.

the home market by high and oppressive duties, while every encouragement is given to the introduction of British manufactures into our Eastern possessions. Even a raw commodity (sugar) bears at this moment a fixed duty, which operates generally as an *ad valorem* tax of not less than 100 per cent. on the sale proceeds. And yet, under all these circumstances of disadvantage, the Company are required to furnish a territorial remittance, at an exchange which neither corresponds with the current rates for bills, nor with the bullion value of the coins interchanged. Our commercial loss is thus aggravated; but as the facts of the case have been fully and ably set forth by the Court in their correspondence with the Board of Commissioners for the affairs of India, I shall not in this place advert more particularly to the question.

In extending the order for the silk investment to the utmost, the Court are, no doubt, influenced by the desire to secure the necessary supply of funds to the home treasury; and this, I am aware, is an object of importance at all times; but it does not follow that, by increasing our purchases abroad, we shall, in a corresponding degree, increase the produce of our sales at home. Six thousand bales disposed of at the rate of 15s. per lb., will realise a greater value than seven thousand bales at the price of 12s. per lb.; and so, too, a difference in the rate of purchase abroad will make a great difference in the out-turn of the investment at home, although it may not augment the scale of the remittance. What, however, I

would take the liberty of impressing upon the Court is, the expediency of circumscribing our investments as much as possible; for the time is arrived when it is become absolutely necessary that we should carefully examine our commercial situation, and when we must determine to act upon principles and views in strict accordance with our commercial character.

In reviewing the question of effecting the territorial remittance from India, the articles of raw silk, indigo, cotton, saltpetre, and perhaps some minor objects, must no doubt be looked to as a means of obtaining a portion of the supply required; but the trade from China has constituted, and must constitute, the great and productive channel of remittance for political purposes. It would be worse than useless to keep this fact out of sight. As long as the East India Company shall be permitted to enjoy the exclusive privilege of supplying the consumption of Great Britain with the article of tea, under any judicious modification of the existing system, this great body can continue to act as the organ of the territorial remittance, with great benefit, as I presume to think, to the various interests concerned; but, divest it of the privilege, and no person will, I apprehend, be found to maintain that it can continue to exercise this important function, by carrying on as heretofore the trade of India, without risking and gradually exhausting its commercial capital. We cannot, indeed, go on for another season with safety, unless this preliminary question be decided in our favor. We cannot give an order for the provision of

another investment, without the danger of injuring those whose property and interests are confided to our care; and if the wisdom, or the will, of the Legislature should finally adopt the policy of throwing open the China trade to general competition, we cannot too soon prepare to close our books, since such a decision must inevitably operate as a sentence of annihilation to the East India Company as a commercial body.

COMMERCIAL INJUSTICE TO INDIA—THE CLAIMS OF BRITISH INDIA.

[From a letter to Mr. Huskisson, written in 1823.]

I fully admit that our administration abroad has been conducted on just and benevolent principles. No Government ever manifested, perhaps, a more constant solicitude to promote the welfare of a people; and it is with satisfaction and with pride that I can bear an almost unqualified testimony in its favor.

On the other hand, what is the commercial policy which we have adopted in this country with relation to India? The silk manufactures, and its piece goods made of silk and cotton intermixed, have long since been excluded altogether from our markets; and of late, partly in consequence of the operation of a duty of 67 per cent., but chiefly from the effect of superior machinery, the cotton fabrics, which heretofore constituted the staple of India, have not only been displaced in this country, but we actually export our cotton manufactures to sup-

ply a part of the consumption of our Asiatic possessions.

India is thus reduced from the state of a manufacturing, to that of an agricultural country; but are we content to stop here? Are we content to exchange our manufactures for the produce of its soil? to make that exchange which naturally takes place between a manufacturing and an agricultural country? No. We impose a duty equal to about 200 per cent. on the prime cost of the sugars of India. In the course of excluding sugar, we pursue measures which have a tendency to exclude cotton, another article of raw produce; and we deliberately tell our Asiatic subjects that they must receive and consume whatever we are pleased to send them, but that—with some few exceptions—we will receive nothing from them in return.

This would be sufficiently absurd if we were no more than commercial dealers with India; but the absurdity is carried to the extreme when, in quality of sovereign, we come forward to demand a tribute from our territorial possessions. Here we are creditors, requiring payment of a debt amounting to between four and five millions per annum (public and private); and this debt, with a sort of caprice and perverseness quite unaccountable, we resolve not to receive in that way in which alone it can be paid by the debtor. India tenders her produce and manufactures absolutely *gratuitously*, and you will take neither. Even her very gifts are urged as an argument against her. Because she sends you seven

and a half millions in return for three, we are told that this is a demerit, and that such a state of the trade must be disadvantageous to the mother country, I will not stop to point out the ignorance, both with respect to facts and principles, on which this objection is founded. The excess of imports into this country is not a balance of trade—such a balance could not exist for any length of time. It represents the public and private tribute paid annually by India, and it is a perennial stream of wealth which flows into the mother country. Were it necessary to enter into details, I could easily show that the excess of imports from China constitute a portion of the tribute paid by India to Great Britain.

And for what end, and in favour of whom, is this stream to be dried up? We are called upon to protect a particular interest which cannot be supported without artificial props. And is it practicable to support this interest by the means adopted for that purpose? I believe that it is not. The West Indians may embarrass the trade of India, but they cannot prevent the growth of sugar in that country, nor can they ever obtain the effectual monopoly of the home market while they produce and import more than that market can or will consume at the present prices. The surplus connects this market with the market of the world, just as a canal may connect two lakes or rivers; and it tends directly and irresistibly to reduce prices to one common level.

I am not disposed, however, to dwell upon the commercial branch of the question, because you, sir,

are better qualified to take a just view of it than I can pretend to be. Had this question no other bearings, I do not know that I should have intermeddled with it; but it appears to me to involve political considerations of the highest importance, and I am led to apprehend consequences which I would most earnestly deprecate, should the Government proceed upon a partial and narrow view of the interests at issue.

The value of India seems scarcely to be known, or if it be known, it seems scarcely to be regarded in this country. It is certainly better understood on the Continent, where our possessions in the East are not only viewed with envy, but with feelings which distinctly show that those extensive possessions are considered as one main source of our national strength. In fact, it is most strange that any doubt should exist with respect to the value of a territory which yields a revenue of twenty millions per annum, which does much more than defray its own charges, and which adds an efficient army of 150,000 men to the military power of the country. Allow me to draw a hasty contrast between our possessions in the East and the West. The one defends itself; the other must be defended at a heavy expense. The one adds to the revenue of the State, after defraying its charge; the other is a drain upon that revenue. The one places military strength in the national scale; the other takes from that force. The one can exist without protecting duties; the other must be

supported by artificial props, at the expense of the nation. The one can supply the British consumer with the article of sugar at thirty shillings per cwt.; the other cannot, it is alleged, at less than sixty. The one can be preserved to the mother country by the simple application of just principles of government; the other may be wrested from it by a foreign enemy, in spite of every effort of prudence and every exertion of military prowess. And yet the former is to be endangered, in a vain attempt to uphold the interests of the latter!

And what would be the condition of this empire, if we should unhappily be deprived of British India? The separation can never take place without a violent struggle, nor without having those angry feelings which, at the present day, are scarcely eradicated from the minds of the people of the United States of America. Would India, in that calamitous event, receive your manufactures at a duty of 2½ per cent., while you imposed a duty of 67 per cent. on her fabrics—while you declared some of them actually contraband—and while you even excluded her raw produce by prohibitory duties? Would she receive your manufactures *at all?* And, with the simple habits of her population, would she not be perfectly independent, and be in a condition to cut off all commercial intercourse, without experiencing the slightest inconvenience?

I consider the grandeur and power of this empire to depend in so great a degree upon the possession

of India, that I cannot too strongly urge the necessity of guarding against the most remote contingencies which can affect the security of our Eastern dominion. The separation of India would leave this country dismembered—the finest branch would be violently severed, and the trunk itself would not escape without injury from the shock.

If it be asked what are the dangers which I apprehend, I reply that the people of India are advancing in opulence, and knowledge, and civilisation—that the number of Europeans is increasing—that the mixed race, or Creoles, are already very numerous, and are rapidly increasing—and that our Government, or rather my Lord Hastings, has lately (most unwisely, as I think) bestowed upon this varied population the "liberty of the press," a boon which could not fail to excite new feelings among them. This powerful instrument has already been put in operation, and it will be made use of to connect together the different parts of the population, whenever they are led to propose to themselves one common object. If I mistake not, you will be told in a very few years, and perhaps in a very few months, that protection and allegiance are reciprocal duties, and that where the one is withheld, the other is not due—that whatever system of commercial policy it may be thought expedient to adopt with a view to the *general* interests of the empire, it can never be right or justifiable to place restrictions on one colony or dependency for the benefit of another,

&c., &c., &c. I clearly perceive symptoms of such a spirit already; and the time is certainly arrived when the Government must decide not only upon the commercial policy to be observed towards India, but upon the political principles which should be applied to the government of that country.

And, in truth, what could show in a stronger light the necessity of a decided line of conduct, than an occurrence which is very likely to take place? The Court of Proprietors of East India Stock, who are apt (somewhat strangely) to consider themselves the sovereigns of India, determined on Friday last, by a great majority of voices, to petition Parliament for an equalisation of the duties on sugar, or rather to ask for inquiry into the subject, for we offered to modify our proposition to that effect; but certain individuals, for the avowed purpose of setting aside this vote, thought proper to call for a ballot; and it is by no means improbable that they will succeed on this appeal in overruling the resolution. In this case, it will result that individuals exercising the functions of Proprietors of India Stock, may apply their powers, as such, *against* the interests of India, to favor the interests of the West Indies—that our possessions in the East are to be governed, not with any view to what is right and fitting with relation to India, but with a view to what is convenient and advantageous with relation to the West Indies—that a great question of political rights, and of commercial policy, is to be decided, not by those who

attended the debate for the purpose of becoming acquainted with the merits of the case, but by certain sovereigns of a day, who openly avow that their decision is governed by considerations which have no relation whatever to their own interests or duties as Proprietors of East India Stock. Such a state of things is so little reconcilable with reason and common sense, that I am willing to hope it cannot long be suffered to exist. At all events, if it is to be continued, the Government have not a moment to lose in putting a termination to "the liberty of the press," and in applying in the administration of India principles more suitable to the situation in which the West Indians seem disposed to place that country.

I have no personal interest in the question which weighs a feather in the scale; and if I had a greater interest in it, I should still say that the man who cannot abstract himself from himself on a great public question, is not qualified to take even that humble part in public life which has devolved upon me. All which is asked or wished, by myself, and those with whom I concur, is a fair and impartial inquiry by the Legislature; and such an inquiry cannot now be refused without retracting the pledge which was given by the Government in the last session in Parliament, nor without furnishing an inference that the case of the West Indians will not bear a scrutiny, even by those who are most anxious to view it favorably. In truth, as was justly observed by Mr. Baring in the House of Commons, if there were no other reason for the inquiry, it is

proper to institute it for the purpose of setting the question, if possible, at rest. The property at stake is so large—the interests involved are so extensive and various, that they cannot be allowed to remain in an unsettled state without serious inconvenience. In this remark I concur, confined as it was to commercial objects; but it acquires great additional force when its application is extended to the political bearings of the question.

I myself am no uncompromising theorist, nor am I much of a political enthusiast. My life has been passed in assisting in the administration of public affairs; and in this school a man not only finds his enthusiasm moderated, whatever may happen to be his natural temperament, but he also learns to reduce theories to their practical value. I lament the distress of the West Indians, some of whom, as individuals, I highly respect and esteem; and I would not willingly do anything to aggravate that distress; but I cannot overlook the situation, and disregard the claims of other parties, and I feel perfectly satisfied that, if the concessions which the West Indians demand were absolutely granted by the Legislature, such concessions would have no other effect than to embarrass and divert the trade of India into a foreign channel, without affording the relief which the West Indians expect. In fact, if relief could have been obtained by commercial restrictions, it ought to have been obtained in the course of the last nine years, during which they have enjoyed the full benefit of protecting duties.

CONCLUSION.

[With the two following brief extracts from papers written at the time of the Charter discussions of 1833, this series of selections from Mr. Tucker's writings may be appropriately brought to a close. The first contains a just tribute to the general government of the East India Company.]

GENERAL GOVERNMENT OF THE EAST INDIA COMPANY.—The Court of Directors feel satisfied, indeed, that no unnecessary change will take place in the leading features of the existing system, under which the Empire of India has been acquired and preserved to the British Crown by the East India Company. All human institutions may be susceptible of improvement, and must be modified to accommodate them to those changes which time and circumstances may produce; but the Court cannot believe that, with a view to any untried theory, however specious, a rash hand will be applied to subvert a structure which has been raised in a distant and foreign land, by the most signal efforts of political wisdom and military virtue, and under circumstances of extraordinary difficulty; and which in magnitude and moral strength transcends anything of the kind to be found within the whole range of authentic history.

The Court do not merely express the sentiment of the humble individuals who compose it, when they affirm that the remote empire acquired by the East

India Company in India has been administered for half a century with wisdom and prudence, with moderation and justice, with purity and disinterestedness. It is the concurring sentiment of the intelligent portion of the people of this country and of India. It is the sentiment of the civilised world, which has done homage (and in some instances, perhaps, reluctant homage) to the character of the Company's Government. That body has stood firmly as a barrier for the protection of the people of India against commercial cupidity and political rapacity; and it was also considered by this nation, on a memorable occasion, to be a necessary bulwark against a dangerous inroad upon the British Constitution.

ACCEPTANCE OF THE BILL.

[The following extract contains Mr. Tucker's recommendation to the Court of Proprietors to accept the India Bill of 1833. The circumstances under which, in 1853, a similar recommendation might be made, differ considerably from those set forth on the opposite page; but the two last paragraphs of this paper are as applicable to the state of things in the latter as in the former year, and fitly close the present volume.]

Feeling, as I do, such weighty objections to parts of the Bill before me, what is the duty which I owe to my constituents and to the public? Ought I to advise the Proprietors of East India Stock to reject the plan of the King's Ministers, and to stand upon their chartered rights? This is a question which must not be lightly treated; and we must look forward to the probable consequences of such a decision with that deliberation and forecast which become men who have valuable interests at stake. We must

examine cautiously and carefully our situation, to determine in what scale the good or evil may be expected to preponderate.

1st. By rejecting the plan, our Stock, which at present bears a value approaching to fifteen millions sterling, would probably fall back to twelve millions; and it is not difficult to foresee that all arrangements connected with India must be thrown into a state of utter confusion.

2nd. We should be exposed to a destructive competition in the course of conducting the Company's trade; and the eager adventurers who would instantly rush into the tea trade, would soon render it the source of loss to both parties.

3rd. However unjustly, we should probably be burdened with the Home Bond Debt, without having any means of relief against the King's Government.

4th. That Government might even interpose difficulties in the way of our obtaining reimbursement of the large sum which has been advanced from our commercial funds for territorial purposes.

5th. A question might be raised as to our right to appropriate heretofore any commercial profits to the augmentation of our commercial capital.

6th. The King's Ministers might demur to the admission of our just claim to our lands and estates, our forts, factories, and other buildings on the territory and islands of India; and although such a proceeding would be unjust in the extreme, we must not conceal from ourselves that such a contingency may occur; and that, if these and other

arbitrary proceedings of the kind should be resorted to, the value of our commercial property must be materially affected, and it might be found difficult to realise for the Proprietors even their capital of twelve millions.

Let us not forget, moreover, that although the Court of Directors will be very inefficient as an administrative body, they will still retain powers which may be beneficially exerted for the good of India.

We shall retain, under section 27 of the Bill, the power of appointing the members of Council at the different presidencies; and we shall continue to exercise, concurrently with the Board, the power of appointing, and the absolute power of recalling, the Governors of India and other high functionaries. This must give us influence; and it will constitute an important security against mal-administration.

Under section 41 we shall be invested with the power to repeal, alter, and amend the laws and regulations enacted by the local Legislature; and this is, unquestionably, a very salutary provision for securing to the population of India the benefit of good laws. There are other judicious and useful provisions in the Bill (that, for instance, in section 44), which ought not to be overlooked or undervalued by us.

And if we throw up and withdraw, what will be the result? It is to be apprehended that the administration of our Eastern possessions will fall into less experienced hands—that India will be overrun

and disturbed by commercial and political adventurers—and that the integrity of the British Constitution will exist only by the sufferance of the Minister who should hold an uncontrolled sway over twenty-two millions of annual revenue. If (I must repeat) we should determine to abdicate our functions, those evils to India which are most to be deprecated and dreaded will probably be aggravated; for the Ministers will be justified in assuming the entire administration and patronage of that vast empire, to gratify their political adherents, and to strengthen their Parliamentary influence.

Upon the whole, then, after long and anxious reflection, I am compelled to say to our constituents (not with perfect confidence, I own), accept the Bill with all its defects; and let us, by our prudence and firmness, remedy, as far as we can, the disadvantages of our situation; and, by the faithful and zealous fulfilment of our duties, promote to the utmost the prosperity and happiness of the people of India.

THE END.

C. WHITING, BEAUFORT HOUSE, STRAND.

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